

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**  
**AUGUST 15, 2005**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

## TABLE OF CONTENTS

Call to Order .....	1
Members Present.....	1
Members Absent .....	1
Adoption of Agenda.....	1
APPROVED AS PRESENTED .....	1
Approval of Minutes .....	1
APPROVED AS PRESENTED .....	1
Director's Report .....	1
INFORMATIONAL ONLY .....	2
Solid Waste Alternatives Program – Recommendations .....	3
Award Amount.....	3
Forgivable Loan Portion .....	3
APPROVED AS PRESENTED .....	4
Contract - Clear Channel Radio – Smoking Tailpipe Radio Advertising.....	4
APPROVED AS PRESENTED .....	6
Public Participation.....	6
Edward Askew .....	6
Bill Couser .....	6
Lewis Gibbs .....	7
Susan Heathcote.....	7
Tony Borich .....	7
Steve Veysey.....	8
Larry Hare.....	8
Mike Wentzien.....	9
Wally Taylor .....	9
Chris Estle-Tedrow .....	9
Patrick Bosold.....	9
Stephen Tews .....	9
Eric Rysdam.....	10
Ron Kiellcopf.....	10
Kathleen Johnson .....	10
Pat Anderson .....	10
Bob Haylock .....	10
Hanna Orr.....	10
Mike Deahr .....	11

John Easter .....	11
Albert Ettinger .....	11
Final Rule – Chapter 32 – Clarification Regarding Ordinary Travel on Unpaved Public Roads..	11
APPROVED AS PRESENTED .....	13
Final Rule - Chapter 22, Controlling Pollution (Air Construction Permitting Exemptions) .....	13
APPROVED AS PRESENTED .....	14
Contract - Iowa Department of Economic Development – Small Business Environmental Assistance Liaison .....	14
APPROVED AS PRESENTED .....	15
Appointment - Morgan Finisher Farm Hearing – 1:30 .....	15
APPROVED AS AMENDED .....	20
Contract - University of Northern Iowa’s (UNI) Iowa Waste Reduction Center – Small Business Assistance Program.....	20
APPROVED AS PRESENTED .....	21
Contract – Iowa State University – Phosphorous Flux Protocol .....	21
APPROVED AS PRESENTED .....	21
Contract - University Hygienic Laboratory (UHL) for Stream Biological Assessment.....	22
APPROVED AS PRESENTED .....	23
Grant Agreement – US Fish & Wildlife Service – Wetland Mapping .....	23
APPROVED AS PRESENTED .....	24
Notice of Intended action – Chapter 61 Water Quality Standards (Protected Flow, General Use Classification Changes and the “Rebuttable Presumption” Approach).....	24
APPROVED AS AMENDED .....	25
Notice of Intended Action – Chapter 61 – Water Quality Standards (Use Designation Changes and Warm Water Protocol) .....	25
APPROVED AS PRESENTED .....	26
Proposed Rule – Chapter 65 – Technical Corrections to Table 1: Major Water Sources – Rivers and Streams .....	26
INFORMATIONAL ONLY .....	27
Notice of Intended Action – Chapter 65 – Open Feedlot Regulations .....	27
APPROVED AS AMENDED .....	28
Adopted and Filed Emergency – Chapter 65 – Open Feedlot Regulations .....	29
APPROVED AS PRESENTED .....	29
Referrals to the Attorney General .....	29

Dean Gettler (Emerson) – AFO .....	30
REFERRED .....	30
Proposed Contested Case Decisions - David Meyer, Hunt Brothers, and Chad Kooima.....	30
NO ACTION TAKEN .....	31
Proposed Contested Case Decision - Leland Heisdorffer.....	31
NO ACTION TAKEN .....	31
Monthly Reports .....	32
INFORMATIONAL ONLY .....	54
General Discussion .....	54
Next Meeting Dates .....	54
Adjournment .....	55

## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, August 15, 2005 at the Fairfield Library, Fairfield, Iowa.

### MEMBERS PRESENT

Suzanne Morrow  
Darrell Hanson, Chair  
Mary Gail Scott  
Jerry Peckumn, Vice Chair  
David Petty  
Donna Buell  
Henry Marquard  
Francis Thicke

### MEMBERS ABSENT

Lisa Davis Cook, Secretary

### ADOPTION OF AGENDA

*Motion was made by Henry Marquard to approve the agenda as presented. Seconded by Francis Thicke. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Jerry Peckumn to approve the minutes as presented. Seconded by Henry Marquard. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Jeff Vonk said that the open feed lot rules are very important to the state and we encourage the Commissioners to move forward with the Department's proposal for the adoption as an emergency rule and for the final rule.

Streams must have appropriate level of protection applied and many do not. When we adjust the level of protection by changing the stream's use designation, facilities that discharge into those streams may need to improve their treatment facility to meet more stringent levels of protection. Assuring that streams have the appropriate level of protection is a cornerstone for improving our water quality.

In developing our estimates for economic impact, we made conservative assumptions about the appropriate level of protection for aquatic life uses and recreational uses. These assumptions are based on the expected or higher levels of protection than may be necessary to comply with the revised Water Quality Standards. We have written two protocols for determining the appropriate level of protection for warm water aquatic life uses in streams and for recreational uses in any waterbody, but they have not yet completed the rulemaking process. Once they have been fully adopted into our rules, we will collect field data according to the protocol and determine the appropriate level of protection. In some cases, the appropriate level of protection may be lower than the assumptions made in the economic impact estimates.

Facilities will have choices to make about how to meet any of the more stringent requirements that may be imposed and this could change the actual impact.

Until we can do the field work necessary to determine what levels of use protection is appropriate, we will assume that the stream deserves the highest levels of use protection. This is consistent with the goals set in the Clean Water Act. The department will write permit based on the appropriate level of protection rather than the assumed level of protection.

We have worked closely with EPA, environmental groups, and discharger groups in developing these proposed rules.

As part of the rulemaking process, six formal public hearings have been tentatively scheduled for October around the state.

DNR plans to have informal meetings with the facilities that may be impacted by this rulemaking. The purpose of these meetings is to discuss the rule changes, the details of the potential impacts, potential administrative and technical options, and to answer any questions the facilities may have.

Many people have criticized these changes by saying the money should be spent on controlling pollution from the watershed rather than from a pipe. The argument is that the majority of water pollutants come from the watershed and not the pipe. They are correct; 80-90% of the water pollution in Iowa comes from the watershed and not a city's or industry's discharge pipe. However, before we can start addressing pollution from the watersheds, we have to set the appropriate levels of protection for Iowa streams. That is what we are proposing to do. Unfortunately, this means some cities and industries will have to meet more stringent limits for their wastewater discharge.

<b>INFORMATIONAL ONLY</b>
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<i>Motion was made by Henry Marquard to amend the agenda to include the 1:30 hearing on the Morgan Finisher Farm Site in Crawford County. Seconded by Mary Gail Scott. Motion carried unanimously.</i>
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## SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Jennifer Reutzal, from the Energy and Waste Management Bureau presented the following item.

The Department received twenty (20) proposals, requesting over \$3.0 million in financial assistance, for consideration during the July 2005 round of funding. Three (3) projects were initially selected for funding. If approved they will receive \$236,895 in a combination of forgivable loans and zero interest loans. Ten (10) proposals are currently under further review. After additional information is gathered, final decisions on the proposals still under review will be made and recommended for approval at the September Commission meeting.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Jennifer Reutzal & Tom Anderson), Iowa Society of Solid Waste Operations (Lavene Payne), Iowa Recycling Association (Machele Henderson), and the Iowa Waste Exchange (Fred Kesten).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	1	\$109,500	\$41,500
Private For Profit	1	\$5,865	\$5,865
Private Not For Profit	1	\$121,530	\$30,000
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	3	\$236,895	\$77,365
Market Development	0	\$0	\$0
Education	0	\$0	\$0
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	1	\$5,865	\$5,865
Forgivable and 0% loan only	2	\$231,030	\$71,500
Forgivable, 0%, and 3% interest loan	0	\$0	\$0
0% interest loan only	0	\$0	\$0
3% interest loan only	0	\$0	\$0

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of

additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

*Motion was made by Jerry Peckumn to approve the SWAP Recommendations as presented. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT - CLEAR CHANNEL RADIO – SMOKING TAILPIPE RADIO ADVERTISING**

Christina Iiams, Program Development Section in the Air Quality Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$42,000 with Clear Channel Radio for the purpose of promoting the Smoking Tailpipe Program with radio advertising.

Funding for this contract was awarded as a grant to DNR from the Iowa Department of Transportation. Federal Clean Air Act funding is provided to state transportation departments to be used for Congestion Mitigation and Air Quality (CMAC) projects related to transportation. In Iowa this funding is awarded through the Iowa Clean Air Attainment Program (ICAAP). This contract period will extend from August 16, 2005 through September 30, 2005. DNR has been awarded funding for this program since 2002. This fall DNR plans to again apply for grant funding to continue this program into the following calendar year.

The contract scope of work includes:

- Production of 30-second Smoking Tailpipe promotional spots.
- Airing of 872 promotional spots in twelve (12) different markets using forty-eight (48) different radio stations during the hours of 6-10 AM and 4-6 PM from August 17, 2005 until September 30, 2005.
- Providing a minimum of fifty (50) coupon sponsors. These sponsors shall provide at least a 10 percent coupon discount and repair incentives for parts and labor associated with vehicles that have poor vehicle emissions.

Clear Channel Radio will also be providing, at no charge to the Department, Partner Recognition Announcements (PRAs). The PRAs will serve to acknowledge and thank all partnering businesses in each market for being a coupon sponsor for the Smoking Tailpipe program. There will be a total of 436 PRAs aired on forty-eight (48) stations at any time during 5 AM to 12 Midnight.



Clear Channel Radio was selected as the contractor for this project after a selection committee evaluated Request for Proposal submittals. The selection committee felt that Clear Channel Radio had a well defined proposal, understood all of the requirements of the scope of work, and were well within the budget guidelines for the project. Clear Channel Radio is a national radio and media company with ownership of the Iowa Radio Network and other Iowa Stations.

**Stations Airing Smoking Tailpipe Ads  
August 2005- September 2005**

**BURLINGTON**

Morning & Evening Drive: **KBUR-AM**  
**KGRS -FM**  
**KBKB-FM**  
**KBKB-AM**

**CEDAR FALLS**

Morning & Evening Drive:**KCVM-FM**  
**KCNZ/KDNZ-AM**

**CEDAR RAPIDS**

Morning & Evening Drive: **WMT-FM**  
**WMT -AM**  
**KCRG-FM**  
**KMRY-FM**  
**KZIA-FM**

**CLINTON**

Morning & Evening Drive:**KCLN-FM**  
**KZEG-FM**  
**KROS-FM**

**DAVENPORT**

Morning & Evening Drive: **KCQQ-FM**  
**WLLR-FM**  
**KUUL-FM**  
**KMXG-FM**  
**WHTS-FM**  
**WOC-AM**

**DES MOINES**

Morning & Evening Drive:**WHO-AM**  
**KKDM-FM**  
**KMXD-FM**  
**KXNO-AM**  
**KDRB-FM**  
**KGGO-FM**  
**KJJY-FM**  
**KHKI-FM**  
**KWQW-FM**

**DUBUQUE**

Morning & Evening Drive: **KDTH-AM**  
**KATF-FM**  
**WJOD-AM**  
**KLYV-FM**  
**KXGE-FM**

**IOWA CITY**

Morning & Evening Drive:**KKRQ-FM**  
**KXIC-AM**  
**KCJJ-FM**

**MARSHALLTOWN**

Morning & Evening Drive: **KFJB-AM**  
**KXIA-FM**

**MUSCATINE**

Morning & Evening Drive: **KWPC-FM**  
**KWCC-FM**

**OTTUMWA**

Morning & Evening Drive: **KBIZ-FM**  
**KTWA-FM**

**WATERLOO**

Morning & Evening Drive:**KXEL-FM**  
**KFMW-FM**  
**KOEL-FM**  
**KKHQ-FM**

*Motion was made by Donna Buell to approve the contract with Clear Channel as presented. Seconded by Mary Gail Scott. Motion carried unanimously.*

**APPROVED AS PRESENTED****PUBLIC PARTICIPATION**

**EDWARD ASKEW**, Davenport WPC Pretreatment Coordinator and Laboratory Supervisor asked the EPC to change policy and procedures at the Iowa Department of Natural Resources concerning:

- 1) Expand the acceptable operational processes at a Publicly Own Treatment Works (POTW) that fall under the definition of Direct Responsible Charge (DRC) and thus allow professionals in the Pretreatment, Laboratory, and Maintenance areas in the POTW to sit for the wastewater operator exams at all levels (1-4), but especially for the Level 4 exam. *(At this time, all wastewater professional in the areas above are denied access to Grade 4 exams by IDNR though, other states, the Water Environment Federation (WEF), and the Environmental Protection Agency (EPA) recognize all of these areas as having DRC at a POTW).*
- 2) Set up a formal appeal procedure so wastewater professionals who have been denied access to the operator exam can appeal these decisions by the IDNR staff. *(At this time, IDNR has denied any appeal on their decisions concerning wastewater operator exams)*
- 3) Reorganize and structure the quasi-governmental Iowa Joint Operator Certification Committee (IJOCC) so as:
  - a. The IJOCC has a formal structure and mandate from IDNR and falls under all requirements of the Open Meetings Law *(At this time IDNR and the IJOCC have had closed meetings)*
  - b. The committee members are directly selected by IDNR through a formal application process and each committee member has a set term on the IJOCC. *(At this time, members of the IJOCC are appointed by private organizations such as the IWPCA, IAMU, IRWA, AWWA, etc. and these IJOCC members do not have a set term)*
  - c. IJOCC members are selected from candidates in the major areas of a POTW *(To included laboratory, pretreatment, and maintenance)*

I would appreciate the EPC's involvement in correcting these problems as they not only affect me professionally, but other citizens of Iowa have been denied their access to the operator tests by DNR.

(A copy of his comments can be located in the Department's Record Center.)

**BILL COUSER**, representing the Cattlemen's Association said that the environment comes first when we are putting projects together with the AT's system in building these phases and then the cattlemen's itself is second. We have to keep the cattle business alive in Iowa. I commend the director and his staff for taking the time to meet with the Cattlemen's. We have not had time to

go through the final draft of the open feedlot rules. Providing emergency rules does not provide anyone with any big benefits, we could wait and go through the regular process. There are four or five items that we would like to compromise on. We are asking you not to adopt these rules as emergency but to go through the regular process. Some of the issues of concern include:

1) Stockpiling 2) daily inspection of water lines 3) collection of flow data 4) sampling of tile lines – how do you accomplish this efficiently and economically and 5) date change for how long the ATs go. November 1<sup>st</sup> date pushed back to December 1<sup>st</sup> date.

**LEWIS GIBBS**, citizen from Packwood Iowa said that he is concerned with the odor from confinement facilities and the spreading of liquid manure. There have been certain instances where the liquid manure was applied above the soil and not cut into the ground. The confinement houses do not protect the gases from escaping so he suggested that a dome be put over the manure pits with pipes that suck the gases out and then reuse the gases to make propane for the farmers to use.

**SUSAN HEATHCOTE**, representing the Iowa Environmental Council addressed the water quality standards. We are pleased with the DNR's proposal on the use of rebuttable presumption for fishable/swimable for all perennial waters, however, we do not think it's reasonable to use the rebuttable presumption for the B Warm Water 1 for recreational use. We should reconsider this to include all perennial streams and B Warm Water streams as A1 as apart of the process we are starting today. In the description of general use streams, my concern is that we are calling the uses for non-perennial streams that are still general use to be classified as non-contact recreation because I don't believe there is such a thing as non-contact. Another concern is the streams in urban areas, where there is contact. We do have a designation for protection, A3. That is another issue to discuss. There is a statement on the designated waters that these waters maintain a viable aquatic community of significance that was the language that has been shortened to just viable aquatic communities. It's an improvement but when we refer to the designated uses as having violable aquatic communities, we are implying that the waters that will remain in the general use classification don't have violable aquatic communities. This also needs to be revisited.

**TONY BORICH**, with the Iowa Environmental Council commented on the fiscal impact statement. Since everyone knows there will be economic impact, it's important that the DNR put together a fair and accurate assessment of what the economic impacts may be. The DNR has put together a best case and worst case scenario. In the worst case scenario, the DNR assumes that all wastewater treatment facilities discharging into streams that will be effected by the water quality standards changes will have to add or improve the expensive denitrifying activated sludge systems and/or disinfection units. This seems to be a fair way of assessing the worst case scenario. The best case scenario the DNR assumes that existing complex mechanical systems will not have to upgrade but that all other facilities will have to upgrade to expensive activated sludge type systems. The other facilities that the DNR is assuming will have to upgrade include irrigated lagoons or trickling filters and other types of systems. We don't think it's a fair assessment of cost in the best case scenario to assume that all the other facilities will have to add the expensive capital construction costs to their budgets. The DNR in it's impact statement has outlined a number of factors that will actually reduce the number of facilities that will have to upgrade. These include: grayable flow permits, artificial wetlands and bio-remediation, irritated

lagoon covers, combined irritated lagoon and activated sludge units and land application. The useattainability analysis will be conducted and the clean water act provides for consideration of economic hardship in considering what facilities will have to upgrade. The DNR has not provided a fair assessment for the best case scenario.

**STEVE VEYSEY**, with the Hawkeye Fly Fishing Association said that the Warm Water protocol is a much better document now because it fits better into the use attainability analysis process. My concern is with the fishable aspect of where we are looking for evidence of fish harvest is the only way to achieve a human health designation. The presence of harvestable size fish means that harvest and consumption is an attainable use. Fishable is a special attainable use under the Clean Water Act. If it's an attainable use it has to be protected. We need to be careful on restricting the human health designation, it needs to apply where there are harvestable size fish. Which should include creek chub and yellow suckers.

I agree with Susan Heathcote's comments on the A1 designations for B Warm Water. We are trying to protect for aquatic life. All designations and classifications must protect resident aquatic life from both acute and chronic toxicity. I would like clarification from an EPA representative.

**LARRY HARE**, Des Moines Metropolitan Wastewater Reclamation Facility comments on the interpretation of the rules under which the Iowa Grade IV Wastewater Certification Rules are administered. IAC 81.1 defines direct responsible charge (DRC) as "accountability for and performance of active, daily on-site operations of the plant of distribution system, or of a major segment of the plant or distribution system." My position is that approved Industrial Pretreatment Programs (IPPs) should be included under the DRC definition because the Pretreatment Coordinator/Administrator is accountable for on-site operations and the performance of those operations both at the plant and in the collection system. That is why the IPP was created as part of the Clean Water Act. The purpose of the IPP, as stated in 40 CFR 403, is "to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge."

The Pretreatment Coordinator is required to know and enforce regulations to assist in plant operation and collection system maintenance. The Coordinator also must understand the biological and mechanical processes at eh wastewater facility and be able to interpret data from these processes to ensure efficient pollutant removal. Most often, this person also calculates removal efficiencies of plant processes to come up with local limits. Coordinator have to limit discharges from industries so the wastewater facility processes operate properly, and in turn protect health and human safely and the environment, which is the purpose of the Operators' Certification Program.

I hope the EPC will agree that the correct interpretation of "direct responsible charge" includes personnel in the Industrial Pretreatment Program. This change of interpretation will allow several qualified professionals in the wastewater field the opportunity to take the Grade IV test and further their careers of public service.

(A copy of his comments can be located in the Department's Record Center.)

**MIKE WENTZIEN**, Iowa State Association of County Supervisors said that he appreciated the assistance of a couple of legislators concerning ordinary travel on unpaved roads. We want to thank Jim McGraw and Christine Paulson. This is a good example of the DNR working together with the County for the citizens.

**WALLY TAYLOR**, Legal chair of the Sierra Club said that he spoke to the Commission last April about CAFOs and the Clean Water Act with emphasis on requiring NPDES permits for CAFOs that have discharged pollutants into surface waters. There hasn't been a lot of progress since then. There have been hundreds of discharges from CAFOs with no permits. We have to comply with the Clean Water Act. In a letter dated on July 27<sup>th</sup> from EPA Region 7, in reviewing the open feedlot rules, there were 18 concerns that were expressed about those rules. We hope those are addressed. EPA has required that we comply with the Clean Water Act and the federal law and regulations or else we will lose our authority to regulate our water quality.

**CHRIS ESTLE-TEDROW**, from Batavia of Jefferson County said that we are concerned with the proposed 5,900 sow facility to be built in our area. A facility of this size would affect our community and quality of life. We are also concerned with the proposed site location: this is a highly populated area in our county, there are 36 houses and one of the homes is directly across the street from the facility, the site is located on a hill that drains into a drainage ditch which leads to a nearby creek, every field in the management plan contains highly erode able land and is heavily tiled. According to a DNR staff person, these acres propose a risk water contamination. The site and the manure acres are very close to the Johnson Wildlife area. The manure management plan contains fields that contain alluvial soils. Two of the fields in the management plan have frequent flooding and drainages. There seems to be a manure agreement missing from the manure management plan. There have been other documented violations at their other sites including composting of dead hogs and the application of manure not included in their original plan. Some of the acres on the management plan are land locked and there is not a clear plan on how they will get the manure there. Due to the location and the surroundings, this is not a suitable location for a 5,900 sow facility. The DNR should take their time in reviewing the manure management plan for this proposed site before approving the permit.

**PATRICK BOSOLD**, from Jefferson County said that he researched confinements and their future affects. I ask that part of the rule making process from this point forward include a 1,250 feet setback from any confinement of any size. The EPC is the last line of defense for affected parties. I requested that is there is any legitimate concern with the permit, even if they have meet all of the rules, that you deny the permits.

Wayne Gieselmann said that we cannot generate a rule making for a 1,250 feet setback from any confinement of any size. This is a statutory requirement which would involve legislative action.

**STEPHEN TEWS**, member of Iowa CCI addressed his concerns of the impacts of factory farms on Iowa's water. The Environmental Integrity Project has documented 1,800 CAFO sites in Iowa that should have a Clean Water Act permit. The EPA laws allows the state to be more restrictive than the federal act. In the past ten years there has been about 400 illegal manure spills that have been reported. There is a strong evidence of chronic impact to our rivers and

lakes from factory farm run-off and over application of manure. Our state is allowing more and more factory farms to be built without taking serious steps to protect our waters. State laws allow factory farms to apply manure right up to the edge of a water source. It is not uncommon for our waters to test for fecal form bacteria and ammonia levels. The state needs to start issuing and requiring strong NPDES permits for facilities that have had a manure discharge.

**ERIC RYSDAM**, with ICCI said that he is concerned with the water quality in Iowa. We have been collected 1,000 signatures on a petition calling on the Iowa DNR to issue strong individual NPDES permits to factory farms that have had a manure discharge. We will be back next month with more signatures on this petition. Please do not wait any longer.

Jeff Vonk said the DNR is working towards this request. We are continuing to work out the details with EPA. We are in favor of issuing NPDES permits we just need to be sure we understand all the responsibilities and impacts.

**RON KIELLCOPF**, farmer and ICCI member from Fremont said that we have somewhat of a fixed demand and when we produce too much we have no prices. It's a shame that we have let the freedom to farm and factory farms in the last thirty years to take agriculture share of the gross state product of Iowa has dropped from 16% to 4%. We have about a four billion dollar agriculture economy in a state that has a 100 billion dollar economy this year. If we had limited some of the pollution and reduced production, farming in general would have been more profitable. We have a huge surplus of corn because we over fertilize, yet we have a shortage of clean recreational water. That's really what people want.

**KATHLEEN JOHNSON**, ICCI said that the Swine Graphics asked for an addition in the sows without increasing their manure. The DNR went to the facility and heard a different fact in the number of sows. They are lying so much that they can't even remember their lies. These folks are not good stewards of the land. Their violations are over \$50,000. They already have a violation of too many animal units. The DNR should not reward a facility by allowing them to have more sows when they can't even be good from the get go.

**PAT ANDERSON**, ICCI member from Murray said that she is  $\frac{3}{4}$  of a mile from ADL 5 – Swine Graphics. They are building more buildings. They are right next to the fence of the neighbor, they should not be that close. Now they want an addition for 48 more sows. There will be more sows, more manure, more gases and more stench. They shouldn't be allowed to add more. I disagree with them adding on.

**BOB HAYLOCK**, representing the County Engineers Association. The County Engineers Association supports the proposed rule on travel on unpaved roads. Our appreciation goes to the DNR for their efforts.

**HANNA ORR**, ICCI member said that she is concerned about the water quality. Manure spills and run-offs have been an ongoing problem in the state. CAFOs are generating more manure than they can handle. They are also contributing to fish kills. We cannot ignore these problems any longer. The factory farms with manure discharges need to obtain strong, individual NPDES

permits. Please move forward with issuing these permits to factory farms with manure discharges.

**MIKE DEAHR**, Soil and Water Conservation Commissioner in Muscatine County. My concerns are with the fishable/swimmable streams. My take is that the goal is unrealistic in the idea that there needs to be a 25 year plan with benchmarks that we must obtain. I would suggest that improving city waste treatment is questionable if we don't hold them to zero discharge. If we are going to be serious about clean water than there should be zero tolerance for discharge. I would suggest that there be 50/50 match grants available for smaller towns. Agriculture in Iowa today is receiving 46 million dollars according to my district commissioner from the federal government and the state. Solution: CAFO's are zero discharge tolerance. This committee thought that 2,400 head finishing units not going before a local control was the answer and this is what is prompting a 5,000-6,000 head sow units. You will see more of this in the future. We need to rethink the reasoning to why we have 2,400 sites. We need to be holistic in our approach. Going above EPA demands is not going to be achievable.

**JOHN EASTER**, Director of Inter-Governmental Affairs for the Iowa State Association of Counties. In regards to Chapter 23 – Final rule for ordinary travel on unpaved roads. We do appreciate the efforts of the department and we fully support adoption of this rule.

**ALBERT ETTINGER**, from the Environmental Law and Policy Center in Chicago. I am representing the IEC and the Sierra Club. Agrees with Jeff Vonk's comment on water quality standard changes. DNR's assessment of the best case scenario is not feasible for the reasons that Tony Borich suggested. I would ask Iowa to look carefully at man treatment systems. It may be more cheaper alternative. There are important point source problems in Iowa and they need to be addressed.

Jeff Vonk emphasized that we are carrying out federal law but we have to respect state law, which states that we need to consider economic impacts.

-----End of Public Participation-----

## **FINAL RULE – CHAPTER 32 – CLARIFICATION REGARDING ORDINARY TRAVEL ON UNPAVED PUBLIC ROADS**

Christine Paulson, Environmental Specialist Senior of the Program Development Section presented the following item.

The Commission will be asked to approve amendments to Chapter 23 “Emission Standards for Contaminants,” of 567 Iowa Administrative Code. This rule is intended to clarify that ordinary travel on an unpaved public road includes routine traffic and road maintenance activities. Scarifying, compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface are considered to be road maintenance activities that are classified as ordinary travel.

Unpaved public road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping are not continuous by nature and are normally of a short duration at a specific location. These activities usually do not generate particulate matter in quantities sufficient to be considered a nuisance or threaten public health. The department has historically treated these types of road maintenance activities as ordinary travel.

A public hearing was held on June 15, 2005, at the Air Quality Bureau offices. No comments were received at the public hearing.

At the request of EPA Region VII, the Department extended the public comment period to July 18, 2005. EPA submitted written comments prior to the close of the extended comment period. The Department did not receive any other written comments prior to the close of the extended comment period. The Department's response to EPA's comments is provided on the attached responsiveness summary.

The Department did not make any changes to the final rule from the Notice of Intended Action published in the Iowa Administrative Bulletin on May 11, 2005.

EPA Region VII submitted written comments stating their belief that the rule change is not protective of the National Ambient Air Quality Standards (NAAQS) for fine particulate (PM<sub>10</sub>).

The Department disagrees with EPA's assessment. The proposed definition of ordinary travel is consistent with the intent of the fugitive dust rule to address nuisances resulting from fugitive dust emissions, is consistent with past implementation of this rule, and will not result in a change to any public health protection that the fugitive dust rule may have provided in the past. As such, the Department intends to proceed with the final rule as proposed in the Notice of Intended Action.

If the final rule is adopted, the Department plans to develop program implementation guidance for the fugitive dust rule. The guidance will provide details related to the implementation of the rule, and will help ensure that the Department and county governments both have a common understanding of the expectations associated with the rule's implementation.

The Department does not consider the final rule to be a change in Iowa's federally-approved control strategies to minimize air pollution, also known as the State Implementation Plan (SIP). As such, the Department does not intend to submit a request to EPA for a SIP revision upon adoption of the final rule. EPA has also requested that the Department not submit the final rule as part of a SIP revision.

Henry Marquard asked what the Department's definition of ordinary travel was before this rule?

Christine Paulson said that there was no definition. This is a clarification of how we have interpreted ordinary travel in the past.

Henry Marquard said that it seems to me that if we define ordinary travel including routine traffic whatever that means and road maintenance, then essentially we are saying that there is



dust caused by routine traffic, it's not an issue that would ever require abatement, which means we are discouraging counties and local highway authorities from taking steps that would abate the dust problems. I believe this would be a step backwards.

*Motion was made by Francis Thicke to approve final rule – Chapter 23 as presented. Seconded by Sue Morrow. Roll call vote went as follows: Jerry Peckumn – aye; Sue Morrow – aye; Darrell Hanson – aye; David Petty – aye; Donna Buell – aye; Mary Gail Scott – aye; Francis Thicke – aye; Henry Marquard – nay. Motion carried.*

**APPROVED AS PRESENTED**

**FINAL RULE - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING EXEMPTIONS)**

Jim McGraw, Environmental Program Supervisor of the Program Development Section presented the following item.

The Commission will be asked to approve amendments to Chapter 22 “Controlling Pollution” of the 567 Iowa Administrative Code. The purpose of these amendments is to list additional equipment and processes that, due to their low emissions of regulated air pollutants, are not required to obtain construction permits.

These amendments would allow the use of exemptions from construction permitting currently in administrative rule to be available for equipment and processes which are subject to a New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP), or other applicable federal standards provided that a permit is not needed to create federally enforceable limits that restrict potential to emit. These rules would also add 12 more exemptions to the existing list of exemptions from the requirement to obtain a construction permit for equipment and processes with emissions that are expected to have little or no environmental or human health consequences. The exemptions include:

- Certain “trivial” activities
- Direct fired fuel burning equipment
- Closed refrigeration systems
- Cleaning and phosphating
- Powder coating operations
- Curing ovens associated with powder coating operations
- Certain production painting, adhesives, or coating units
- Production surface coating activities that use only non-refillable hand held aerosol cans
- Certain production welding equipment
- Soldering
- Pressurized piping and storage systems
- Emissions from the storage and mixing of paints and solvents.

Technical justifications were prepared by the workgroup members to support the validity of exempting each of these equipment and processes from the requirement to obtain a construction permit. Additional safeguards were built into some of the exemptions to further protect human health and the environment as a result of the technical reviews. A final technical justification document can be viewed at [www.iowacleanair.com](http://www.iowacleanair.com).

The amendments were developed by a workgroup consisting of the department, representatives from Iowa industrial facilities, the Iowa Department of Economic Development, the University of Northern Iowa Air Emissions Assistance Program, and Region VII of the U.S. Environmental Protection Agency (EPA). The workgroup met again on July 11-13, 2005 to address the additional exemptions that were proposed in the first workgroup meeting earlier this year. A proposed amendment to include some of these additional exemptions will be forthcoming in a future Notice of Intended Action.

A public hearing was held at the Air Quality Bureau at 1:00 p.m. on June 13, 2005. A second public hearing was at Kirkwood Community College in Cedar Rapids, Iowa at 1 p.m. on June 16, 2005. No comments were received at the public hearings. Two written comments were received before the public comment period closed on June 24, 2005. A Public Participation Responsiveness Summary is attached. The department made only minor corrections to the proposed rules presented in the Notice of Intended Action as a result of the comments received.

*Motion was made by Jerry Peckumn to approve the final rule – Chapter 22. Seconded by Henry Marquard. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT - IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT – SMALL BUSINESS ENVIRONMENTAL ASSISTANCE LIAISON**

Jim McGraw, Environmental Program Supervisor of the Program Development Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$70,000 with the Iowa Department of Economic Development (IDED) for the purpose of administering a small business environmental assistance program.

Section 507 of the federal Clean Air Act Amendments of 1990, mandates a Small Business Air Quality Liaison (Liaison) position. The Department and IDED have participated in two planning sessions to try and enhance the role and focus of the Liaison position. Through the planning sessions, a work plan has been established that will:

- Maximize resources available to serve small business;
- Enhance service provided by the Liaison by approving the role to act as a focal point of multi media resource and referral;
- Integrate Liaison outreach efforts with IDNR communication channels;

- Integrate Liaison assistance with other IDNR technical programs that promote environmental stewardship (such as the IDNR Pollution Prevention Program), and;
- Assist the IDNR with promoting voluntary compliance by linking IDNR compliance priorities with Liaison outreach efforts.

The Department has chosen to rename the Small Business Air Quality Liaison position because of the new focus on additional program areas other than air. The position will now be titled *Small Business Environmental Assistance Liaison*.

The agreement is for the period of September 1, 2005 through June 30, 2006. The agreement establishes payments, totaling \$65,000. This contract is funded through Title V air quality permitting fees (\$50,000), Pollution Prevention funds (\$5,000), Water Quality funds (\$5,000), and Brownfields funds (\$5,000). IDED has a funding commitment of \$5,000.

*Motion was made by Donna Buell to approve the contract with IDED as presented. Seconded by Sue Morrow. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **APPOINTMENT - MORGAN FINISHER FARM HEARING – 1:30**

Ed Tormey said that it appears that this agenda item did not get posted on the DNR's website. The Commissioners and all statutory parties were aware of this and received all materials in a timely manner. The producer, the county and the DNR have all been in constant communication. Pursuant to our open meetings law, we were to give at least a 24 hour notification if possible, there is an exception for good cause to go within the 24 hours. There is a rule that allows for agenda items to be added at the time of the meeting if a good cause exists requiring expeditious discussion or action. In this case, the commission is obligated to render a decision within 35 days from the date of the applicant or board files its demand for a hearing, which was on August 4<sup>th</sup>. This would have to be the meeting the commission hears the case.

*Motion was made by Henry Marquard to approve moving forward with the hearing process with Morgan Finisher Farms since there is a reason for good cause. Seconded by Jerry Peckumn. Motion carried unanimously.*

Randy Clark representing the Department introduced the following parties involved:

Dave Stein Jr. representing Crawford County

Mike Blaser representing Crestview Farms

Alison Manz from DNR Field Office 4. She completed the field survey

Gene Tinker, DNR Animal Feeding Operations

The demand for hearing came to us on August 4<sup>th</sup>, after we issued a notice of intent to issue a permit on July 21<sup>st</sup> to Crestview Farms. The draft permit would authorize Crestview to construct two finishing barns, each 51 feet by 376 feet and 8 foot below floor concrete pit. With the designed animal unit capacity of 2,000 animal units or 5,000 head. The operation would be

located in section 35, Morgan township, Crawford County. According to the rules and statute the Commission has the authority to modify or reject the permit or to uphold the decision to issue the permit. The commission would also have to give a reason of why the application violates the statute or rules.

Dave Stein Jr., Attorney representing Crawford County. Marty Rogers and Mel Berryhill are also in attendance. They are both citizens of Crawford County.

Our first concern is the suitability of soils in the fact that the land where the confinement will be constructed and manure will be applied, there is some precedent from this board to deny the permit when the confinement will be built and manure is spread on highly erodible land. The developer, Mr. Blaser on behalf of the developer, in response to Crawford County's concern cited to the p-index, which is specifically designed to address the primary issue raised by Crawford County which is the likelihood of transporting nutrients when the fields are flushed into waters of the state of Iowa. The DNR also responded, with reference to the Adair County case to which I referred, that the administrative rules have been amended and that the applicants or the developers were required to use the p-index. I did see an administrative rule where it cited Iowa Technical note #25, from the NRCS as the basis of the phosphorus index. There is a caveat in using this p-index. "The P-index is not intended to be an evaluation scale for determining whether land users are complying with water quality or nutrient management standards established by local, state, or federal agencies. Uses of this P-index as a regulatory tool would be beyond the concept and philosophy of the working group that developed it."

The developer admits that some of the land is in the medium category of the p-index. The medium has potential to produce some water quality impairment according to the Technical Note #25 from NRCS on page 7. Certainly this board would be concerned with the potential of water quality impairment and the impact that it will have on this highly erodible land. The confinement is very close (1,300) feet from the Solider River, which is a designated water area according to Administrative rule 65.22.

Marty Rogers, a citizen living in the same Section 35 as the proposed hog site. For eighteen years, I have an auto-immune liver disease, last year I had a liver transplant and am doing well though I am on medication. I do not want my well with this highly erodible land to go into my stream which leads to my well. My son has asthma so I am concerned with the air. My husband has crones diseases which is an auto-immune disease. These are concerns that I wish you would consider. I have knowledge that in the Matrix they have manure easement agreements that were reported to be prepared by James Lomann. I know for a fact that they were not prepared by him and I have an affidavit for proof.

Mel Berryhill, a citizen in of Crawford County, said that he has been in the water business for years and knows that the Department is concerned about impaired waters. In 2003, there were 159 impaired bodies of water in Iowa and in 2004 it went to 214. That's an alarming rate at which water is being compromised. With the kind of manure that is being applied in the area here, my concerns are the alluvial aquifers. Most of the wells in this area are shallow and have a high potential for aquifer and well contamination. In the middle of Crawford County are alluvial aquifers. There were also problems with nitrate levels. The area where the manure will be

applied is very hilly. Crawford County does not have but one impaired water in the whole county. The Solider River could end up being impaired water. The remediation costs a lot more than prevention. This is a very pretty area, what will be left if this confinement is built.

Dave Stein Jr. said that there are also the issues of smell and the devaluation of property. You can understand why the land is highly erodible when you look at the slopes around the location of the confinement. We are asking the Commission to take a fresh look at this and to review the information that we are providing. In our opinion this permit should be denied or modified in an appropriate fashion.

Mike Blaser, representing Crestview Farms handed out aerial photos of the proposed site. The Board in Crawford County did not contest the fact that the farm meets all existing regulatory requirements. The Board does not contest that the fact that the farm passed all the requirements of the Master Matrix. The Board was fully aware when it filed its appeal through Mr. Stein's clients that the DNR considered many if not all of these same issues before it issued the notice of intent to issue the permit. We have a permitting process and a procedure that is fairly complicated and reasonably expensive and it seems to me that this proposed operation has met every requirement that the state law has put in place and has even met the matrix. The biggest field, the half section of section 25, is a 2 on the index, which is a low risk area for manure application. If you look at the other fields in the plan, though they are in the medium category, it should be noted that under the plan manure should be applied to those fields only to corn crop every other year. I would ask that you approve the permit as intended and that the project be allowed to move forward.

Randy Clark with DNR Legal Services said the concerns regarding the alluvial aquifers in Iowa are very wide spread and fertilizers are spread whether it's animal or commercial fertilizer. I would echo Mr. Blaser's comments on the fact that this proposed operation has passed every statutory requirement. There is more than the minimum being provided for in this case. The Department would urge that the Commission uphold the issuance of the permit.

Donna Buell asked where the Morgan family of Morgan Finisher farm lives.

Mike Blaser said that Mr. Bruhn is the farmer of all the ground in the manure management plan. He estimates that the value of the manure to his farming operation is somewhere between \$30,000 - \$45,000 a year. He is not the owner of the hogs. Crestview Farms is located in my office. Without much detail, the applicant is a limited liability company that will be most likely be purchased by either one of the local individuals or another party. The pigs will be owned by someone else.

Dave Stein Jr. addressed some comments made by Mr. Blaser and Mr. Clark regarding the phosphorus index. If the administrative rule is based on the NRCS phosphorus index(p-index) and the p-index says not to use as a regulatory tool, how can we have a necessary rule based on something that says not to be based as a regulatory rule? We are asking you to take a closer look at this issue.

Jeff Vonk said that that statute specifically designates the phosphorus index as a requirement, that is why it appears in the rule.

Alison Manz went through the Manure Management Plan process. Every field had an average of a 12% slope. Soil samples were taken to determine their nitrogen produced at the site. When manure is injected into the soil there is only recommended separation distances, not required. This particular site is generating about 1.3 million gallons of manure a year and they still have enough land to apply every other year. Their nitrogen value is at 47 pounds per thousand gallons.

Randy Clark clarified the issue of the easement forms. Even though James Loweman's forms were used and not prepared by him, the easement has been signed and is valid. This is not an issue.

Francis Thicke said that he talked with Steve Alder from the County Board of Supervisors and they indicated that they have had many permit applications go through but this is an unusual case situation because of the health issues surrounding the proposed location.

*Motion was made by Francis Thicke to deny the permit because of minimum design and operation criteria, particular minimum separation distance requirements do not provide a degree of safety and protection against such negative impacts commiserate to the degree of potential health effects and public harm which could result from those negative impacts. Seconded by Donna Buell.*

Darrell Hanson said that the Commission cannot okay the law in some cases were it is violated, nor can we set own laws. The legislature has already set the separation distances for facilities. I feel our role is to make sure that the DNR applies the laws and rules correctly and give people the chance to point out things that might have been missed. I don't think it's our role to say that we feel there should be additional restrictions above what our legislature has put in place.

Francis Thicke said that this is an unusual situation and it deserves special attention.

Henry Marquard said that this is a terrible place to put a CAFO. This is why the Commission should have the discretion to make decisions on special circumstance permits. I am concerned with the health impacts and the sloping situation but I don't believe we have the grounds to deny this permit.

Jerry Peckumn asked if he could add provisions to the permit for additional air and water monitoring.

Darrell Hanson said that from what I know the act of building the CAFO in this location is an anti-social act. There is an assumption but no evidence that CAFO's cause health related problems.

*Roll call vote went as follows for Francis Thicke's motion: Mary Gail Scott – nay; Darrell Hanson – nay; Donna Buell – nay; Francis Thicke – aye; Henry Marquard – nay; David Petty – nay; Jerry Peckumn – nay; Suzanne Morrow – nay. Motion failed.*

*Motion was made by Jerry Peckumn to approve the permit with the following modifications: 1) Crestview farms would provide Crawford County with written permission of the respective land owners to assess the manure application fields and the land of the facility site for the purpose of water quality monitoring that will allow a comparison of the water quality entering the manure application area and/or the CAFO facility area of the water leaving the area. The total cost of the monitoring will be shared 50/50 between the County and the facility owner. Crawford County has the sole right to contract and employ a business person including having a current County employee to perform; to collect the water samples for testing, meeting the credible data standards of Iowa law. The manure management plans must be changed to the satisfaction to the Crawford County Supervisors to prevent environmental damage if there is a measurable increase in phosphorus, nitrogen, turbidity or decline in aquatic species downstream of the facility or manure application fields. If negative water quality effects occur, Crestview Farms or its successors will pay for the past monitoring expenses. 2) If air quality complaints emerge from neighbors of Crestview Farms, Crawford County agrees to provide air quality monitoring for ammonia, hydrogen sulfide and odor. Expenses of monitoring will be shared 50/50 by the facility owner and the county, unless medical professionals confirm negative impacts on the effected parties. If negative health effects occur, Crestview Farms or its successors will pay for the past monitoring expenses. 3) If Crestview farms has claimed points for covered manure storage then the manure storage area may not be ventilated by any mechanical means including electrically powered fans unless the exhausted manure fumes are filtered to remove ammonia, hydrogen sulfide or odor. Crawford County would have to approve any such filter for its effectiveness. 4) Crawford County, NRCS, and DNR will be given permission to access manure application fields for the purpose of determining compliance with USDA Conservation plans. 5) USDA Conservation Plan for the application fields will be available to the county and the DNR to review and ascertain if the conservation plan for manure management application fields will be met following the proposed application method of the manure. Seconded by Henry Marquard.*

Randy Clark of the DNR legal staff said that the modifications involve parties other than the applicant and could not be added without the consent of the County and the other parties.

Mike Blaser said that he would be willing to plant a double row of trees along the east and south side of the site to provide more of a wind block for the neighbors to the south and the east. I would be willing to put up particulate screens outside the fans. The barns will be curtain-sided for ventilation. Bio-filters are unproven, costly, and messy.

Jerry Peckumn withdrew his motion.

*Motion was made by Donna Buell to approve the permit with the following provisions made by Mike Blaser: to plant two rows of trees on the south and east side of the property, to include particulate screens to the south and the east and to give serious consideration for bio-filters. Seconded by Mary Gail Scott. Roll call vote went as follows: Henry Marquard – aye; Darrell Hanson – aye; Donna Buell – aye; Francis Thicke – aye; Mary Gail Scott – aye; David Petty – aye; Jerry Peckumn – nay; Suzanne Morrow – aye. Motion carried.*

Mike Blaser agreed to make the conservation plans available to the county and the DNR with permission from the owner.

<b>APPROVED AS AMENDED</b>
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**CONTRACT - UNIVERSITY OF NORTHERN IOWA'S (UNI) IOWA WASTE REDUCTION CENTER – SMALL BUSINESS ASSISTANCE PROGRAM**

Jim McGraw, Environmental Program Supervisor of the Program Development Section presented the following.

The Department requests Commission approval of a second contract amendment in the amount of \$144,452 with University of Northern Iowa's Iowa Waste Reduction Center (IWRC) to continue to allow the Iowa Air Emission Assistance Program (IAEAP) to provide technical assistance to small businesses.

The IAEAP is the technical assistance component of the Small Business Assistance Program. The Small Business Assistance Program is required by Section 507 of the Clean Air Act. The IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

In June 2004, the Commission approved the original agreement for the period of July 1, 2004 through June 30, 2005. The original agreement was for an amount not to exceed \$415,650, to be paid in monthly payments. In June 2005, the Commission approved the first amendment for the period of July 1, 2004 through August 31, 2005 for an additional \$72,226.00 (total contract amended cost was \$487,876).

UNI and the Department are still negotiating a new agreement for the 2006 fiscal year. By providing a second amendment to this contract, IAEAP will be able to continue to assist small businesses until a final contract can be executed. The amended agreement extends the first amended agreement by an additional four months. The term of the second amended agreement will end December 31, 2005. The amended agreement also provides for an increase of \$144,452 from the first amended project amount of \$487,876. The second amended agreement allows for total payments not to exceed \$632,238 and continues to provide monthly payments. The agreement is funded through Title V air quality permitting fees.

The agreement is funded through Title V air quality permitting fees.



*Motion was made by Donna Buell to approve the contract with UNI as presented. Seconded by Sue Morrow. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT – IOWA STATE UNIVERSITY – PHOSPHOROUS FLUX PROTOCOL**

Mary Skopec, Section Supervisor of the Water Monitoring and Assessment Section presented the following.

The Department requests Commission approval of a contract in the amount of \$50,000 with Dr. William Crumpton for data collection and development of a protocol for measuring phosphorous flux in the water column of lakes.

The purpose of this project is to collect water quality data and to develop a protocol to estimate phosphorous flux to the water column in shallow lakes. This information will be useful in the development of TMDLs for shallow lakes by providing a more accurate estimate of the amount of nutrients being internally recycled. This contract will result in specific methods for estimating internal phosphorous pollutant loads for shallow lake TMDLs. Developing methods and procedures for estimating phosphorous flux loads from the lake bottom will be of long-term benefit to understanding the nutrient problems in Iowa's waterbodies and in the development of TMDLs.

The research to develop this protocol will be completed at Lower Gar Lake. This contract will focus on estimating flow, and total phosphorous loads for Spring Run Creek, Lake Minnewashta, and Lower Gar, as well as identifying the phosphorous loading from the atmosphere and from internal recycling.

Funding for this contract is available from a Clean Water Act Section 104(b)3 grant.

*Motion was made by Francis Thicke to approve the contract with ISU as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

Darrell Hanson abstained from voting due to a working relationship with Iowa State University.

**APPROVED AS PRESENTED**

**CONTRACT - UNIVERSITY HYGIENIC LABORATORY (UHL) FOR STREAM BIOLOGICAL ASSESSMENT**

Mary Skopec, Section Supervisor of the Water Monitoring and Assessment presented the following item.

The Department requests Commission approval of a contract in the amount of \$409,052 with the University Hygienic Laboratory (UHL) for stream biological assessments. The contract period is from July 1, 2005 – June 30, 2006.

This contract builds upon existing efforts by the Iowa Department of Natural Resources to assess the ecological health of Iowa's stream resources. The contract covers the fourth year of the five-year REMAP sampling project including sample collection, analysis, and data reporting for 54 sets of samples from 49 sample sites.

In 2002, the Iowa DNR and University Hygienic Laboratory initiated a stream survey project patterned after the U.S. Environmental Protection Agency's Regional Environmental Monitoring and Assessment Program (REMAP). The project is providing an objective and statistically powerful survey of conditions in Iowa's perennial streams and rivers. A stratified-random sampling framework is being utilized to obtain an unbiased sample population from which accurate statements about the status of Iowa's perennial streams can be extrapolated. The survey is measuring several indicators of stream ecosystem health including: aquatic community composition (fish, benthic macro invertebrates): fish tissue, sediment, and water contaminants; physical habitat characteristics; stream metabolic rates (community respiration, primary production).

Questions Iowa's REMAP project strives to answer:

1. How many miles and what proportion of streams have impaired biological communities?
2. How many miles and what proportion of streams are attaining designated aquatic life uses?
3. How many miles and what proportion of streams support populations of game fish species?
4. How many miles and what proportion of streams have fish tissue contaminant levels that exceed human and wildlife health criteria?
5. How many miles and what proportion of streams have sediment contaminant levels that exceed human and wildlife health criteria or guidelines?
6. How many miles and what proportion of streams experience extreme diurnal oxygen fluctuations and levels of primary production that are indicative of excessive nutrient and/or organic enrichment?
7. How many miles and what proportion of streams are biologically impaired by sediment?
8. How many miles and what proportion of streams are biologically impaired by habitat alterations other than sedimentation?

The contract also covers sampling at 9 reference stream sites that serve as benchmarks for evaluating the condition of REMAP sites and other sampling sites. Additional (duplicate) benthic macroinvertebrate samples will also be collected at 8 sites to evaluate sample variability in large, non-wadeable river systems.

Funding for this agreement is anticipated to be available from the Water Monitoring Program - Environment First Fund. This contractor was chosen for their specialized expertise in collecting and analyzing stream biological assessment data and to maintain continuity and consistency throughout these multi-year sampling projects.

*Motion was made by Donna Buell to approve the contract with UHL as presented. Seconded by Henry Marquard. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **GRANT AGREEMENT – US FISH & WILDLIFE SERVICE – WETLAND MAPPING**

Mary Skopec, Section Supervisor of the Water Monitoring and Assessment presented the following item.

The Department requests Commission approval of a \$100,000 grant agreement requiring a state match of \$50,000 with the U.S. Fish and Wildlife Service for detailed wetland mapping and inventory in the prairie pothole region of Iowa.

This grant is part of a larger Department statewide project to map wetlands and surface waters of the state of Iowa. This project began in 2003 and has included funding from a number of federal and state agencies, including the Federal Emergency Management Agency, U.S. Fish and Wildlife Service National Wetland Inventory Program, U.S. Environmental Protection Agency, and the Iowa Department of Transportation. Funds will be applied to an existing contract with Saint Mary's University of Winona, MN. This contract and the quantities of work to be conducted have been previously approved by the Commission.

The purpose of this project is to develop a detailed inventory and spatially referenced digital data layer to assist Department staff in monitoring and managing Iowa's surface water resources. Information produced through this project is currently being used to support the planning and field research and monitoring for Iowa's Wetland monitoring program. The geographic area to be mapped through this grant agreement has been selected to support the next phase of the wetland monitoring program.

Funding for this contract is available through infrastructure funding received by the Geographic Information Section under O3HA.

The Department requests Commission approval of a \$200,000 increase in the Contract maximum (from \$200,000 to \$400,000) for the Update of the National Wetlands Inventory for Iowa (Contract Number 04-04HA-03). This increase is necessary to provide flexibility in utilizing

**non-Department funds** toward the completion of this project. This increase will not change the amount of Department monies allocated to the update.

*Motion was made by Donna Buell to approve the agreement as presented. Seconded by Henry Marquard. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION – CHAPTER 61 WATER QUALITY STANDARDS (PROTECTED FLOW, GENERAL USE CLASSIFICATION CHANGES AND THE “REBUTTABLE PRESUMPTION” APPROACH)**

Kelly Stone, of the Water Quality Bureau presented the following item.

The commission will be asked to approve a Notice of Intended Action regarding proposed rulemaking to amend the State’s water quality standards (WQS).

The Notice of Intended Action initiates modifications to Iowa’s current Water Quality Standards (WQS) protected flow concept. The current use of the protected flow concept in conjunction with the implementations of Iowa’s Water Quality Standards for Iowa’s streams has not been demonstrated to protect aquatic life uses under critical low flow conditions and is thus inconsistent with EPA guidelines. The removal of the protected flow concept will more adequately protect aquatic life because the standard design low flows (1Q10, 7Q10 & 30Q10) will be associated with the implementation of the numerical criteria.

The DNR is also proposing revisions to the general use classification. The current definition of general use segments allows discharges from wastewater treatment plants to be considered as general use segments. EPA guidance states that the presence of flows or pools in a stream which support a designated use must stand alone regardless of the source of that flow or pooled water. IN addition, the elevated flows exclusion will be struck from the definition, resulting in these waters being protected at all places and all times. The rest of the changes clarify the relationship and eliminate redundancy between the definition in 61.31(1)a, and the associated criteria listed in 61.3(2).

The Notice of Intended Action also proposes to designate as Class A1 – Primary Contact Recreational Use and a Class B(WW-1) Warm Water – Type 1 all of Iowa’s perennial rivers and streams or intermittent streams with perennial pools that are not currently designated. Thus, all perennial rivers and streams or intermittent streams with perennial pools in Iowa not specifically listed in the Surface Water Classification will be Class A1, B(WW-1) waters, and will be protected for aquatic life and recreation. In addition, all current Class B(LR) streams will also be designated for Class A1-Primary Contact Recreational Use. This is consistent with the national goal in the Clean Water Act that waters should be “fishable and swimmable” wherever attainable.

Persons are invited to present oral or written comments at public hearings which will be held in October. The dates, times and locations can be viewed on the Department's website. <http://www.iowadnr.com/water/standards/index.html>

Jerry Peckumn said that the "best case" terminology does not describe the scenario well, since new alternative technologies are not considered.

Donna Buell also agreed that "best case" is misleading.

The Commission agreed that the terminology of "best case" needs to be changed at the discretion of the department. Recommended language was to use "more likely" rather than "better case".

Donna Buell said that it makes no sense to designate intermittent streams with perennial pools as swimmable, when we're not designating the very river that the Project AWARE canoed as swimmable. It's not logical. It's not a good use of our money to go through the BWWs to do use attainability analysis, when I can say that I swam there.

*Motion was made by Donna Buell to approve the Notice of Intended Action with the amendments to bullets 3 & 4 of the Notice of Intended Action to state Bullet 3 as: Designate as Class B(WW-1) Warm Water – Type I all of Iowa's perennial rivers and streams and intermittent streams with perennial pools that are not currently designated. Bullet 4: Designate as Class A1-Primary Contact Recreational Use all of Iowa's perennial rivers and streams and intermittent streams with perennial pools. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS AMENDED**

**NOTICE OF INTENDED ACTION – CHAPTER 61 – WATER QUALITY STANDARDS  
(USE DESIGNATION CHANGES AND WARM WATER PROTOCOL)**

Kelly Stone, of the Water Quality Bureau presented the following item.

The commission will be asked to approve a Notice of Intended Action regarding proposed rulemaking to amend the State's warm aquatic life use designations and to adopt a protocol for assessing and designating water bodies for warm water aquatic life uses.

The Notice of Intended Action initiates modifications to Iowa's current Water Quality Standards (WQS) use designations to protect warm water aquatic life. The IDNR is proposing to change the current warm water aquatic life use designations to the following designations:

Class B(WW-1), Class B(WW-2) and Class B(WW-3). The new designations more accurately reflect the actual aquatic life of water bodies. The existing Class B(WW) and Class B(LR) water bodies will be reassigned to Class B(WW-1) and Class B(WW-2), respectively.

The DNR is also proposing to establish a new use designation: Class HH – Human Health. The new designation transfers the human health (consumption of fish) criteria associated with the existing Class B aquatic life designations to a separate use category. The same use protection

and numerical criteria will still apply to all existing B(WW), B(CW) and B(LW) water bodies. The new designation allows the human health criteria to be applied on any water body where appropriate regardless of the aquatic life designation.

The Notice of Intended Action also proposed to incorporate a rule-referenced document “Warm Water Stream Use Assessment and Attainability Analysis Protocol” into the WQS. The document is based on the proposed modifications to definitions for warm water aquatic life uses and proposes an approach to be followed in assessing the warm water aquatic life uses of streams. The proposed use assessment and attainability analysis protocol would be applied to streams that are proposed to be designated as Class A1, B(WW-1) under “rebuttable presumption” rule making efforts, currently undesignated general use classified waters as well as existing Class B(WW) and Class B(LR) warm waters suspected of being inappropriately designated. This guidance document will be used in future warm water assessment efforts. This document will be modified as new science and techniques are perfected. Any amendments to the reference document will proceed through formal rule making and will effect the date of the revised documentation.

The fiscal impact statement with agenda item – NOIA Chapter 61 – WQS – Protected Flow, General Use Classification Changes and the “Rebuttable Presumption” Approach also addresses the potential fiscal impact that is associated with the Warm Water Protocol rulemaking efforts.

Additional information on Iowa’s Water Quality Standards and the Department’s rules along with the public hearing dates, can be found on the Department’s web site at <http://www.iowadnr.com/water/standards/index.html>

*Motion was made by Jerry Peckumn to approve the NOIA – Chapter 61 as presented. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PROPOSED RULE – CHAPTER 65 – TECHNICAL CORRECTIONS TO TABLE 1: MAJOR WATER SOURCES – RIVERS AND STREAMS**

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The proposed rules will amend 567 Iowa Administrative Code Chapter 65. The proposed amendments are technical corrections to the list of major water sources – rivers and streams listed in Table 1 of Chapter 65. The corrections provide a more consistent and accurate representation of these water sources for the state, as the current list is lacking some stream and river segments.

(A map on the Updated Major Water Sources (Rivers and Streams) was distributed to the commissioners. The map showed the original waters (blue), additional patches (red) and the 4<sup>th</sup> order streams (green).

Gene Tinker asked the commission if they would like to move forward with truly technical corrections, which would be adding the red segments or would the commission prefer to go a step further and try to add some consistency by county and add the 4<sup>th</sup> order streams, if you feel that's appropriate. Since I presented this as technical corrections, it would be strictly the red segments and the changes in the terminologies.

There are greater separation distances for confinements when there are major water sources than from water sources that are non-major. Separation distance requirements for CAFOs to major water sources – 1,000 feet and 500 feet from any other water that's not a major water source.

The Commission agreed to move forward with the recommended technical changes, which includes the red segments, adding the forth order streams, and the terminology change.

<b>INFORMATIONAL ONLY</b>
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The commission agreed by unanimous consent that they change from 5 soil borings to 3 soil borings in both Items 16 – Notice of Intended Action – Chapter 61 – Water Quality Standards (Protected Flow, General Use Classification Changes and the “Rebuttable Presumption” approach) and 17 – Notice of Intended Action – Chapter 61 – Water Quality Standards (Use Designation Changes and Warm Water Protocol).

## **NOTICE OF INTENDED ACTION – CHAPTER 65 – OPEN FEEDLOT REGULATIONS**

Gene Tinker, Coordinator of the Animal Feeding Operations of the Environmental of Services Division presented the following item.

The Commission is requested to grant permission to proceed with rulemaking and publish a Notice of Intended Action to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the amendments is to create a separate division with Chapter 65 for regulations pertaining specifically to open feedlots. Design standards for open feedlot basins and other requirements from recent legislation, HF 805, have been incorporated into the rules. Also included are construction and operation requirements for Alternative Technology Systems, as required in HF 805.

The department is requesting the Commission's permission to utilize a “double-barrel” approach, meaning that both emergency rule making and regular rule making processes will be implemented simultaneously.

Gene Tinker said that this rule package has been worked on for about two plus years. Since alternative technologies have recently been recognized, they were not addressed in the original

rule package. We have been at this for a long time. The changes include what's been addressed in HF805, which are design standards for conventional systems. This rule package breaks chapter 65 into two segments: Division I – Confinements and Division II – Open Feedlots. Stockpiling is also addressed in the rule making.

Jeff Vonk said that the Cattlemen seem to be on board with this rule package, there maybe some minor issues but would like us to continue working with them.

*Motion was made by Jerry Peckumn to approve the NOIA as presented. Seconded by Donna Buell.*

*David Petty moved to change the stockpile language on page 21 – Chapter 65.101(8). Suggested to delete the following two sentences. ~~A CAFO must manage stockpile as required by 65.101(2) or 65.101(3). For an open feedlot operation that is not a CAFO.~~ Motion failed.*

David Petty said that he could support the overall rule package, but would not support the shot gun approach. Some issues to study and consider: page 29-bottom paragraph, second to last line. Recommended to include the word “estimated”, would read as “...of the AT system, and the **estimated** flow volume recorded and an effluent sample collected on each day a discharge from the AT system occurs.” Another suggestion would be to change the stockpiling deadline from November 1<sup>st</sup> to December 1<sup>st</sup> - bottom of page 50.

Jeff Vonk said that he supports double barreling this rule. If we agree to 3 soil borings rather than 5 soil borings, for double barreling purposes and if it needs to be amended back to 5 soil borings that would be acceptable.

Bill Couser said that Cattlemen basically agree with everything in the package. We would like clarification on waterlines underground. Management is the key to this alternative technology. We scrap our lots every other day. So if there is ever any run-off, there isn't much.

Mary Gail Scott raised the concern that even though there are design standards and criteria, doesn't mean that two years down the road that it's being managed effectively.

Gene Tinker said that unfortunately the management aspects lack in the permit application. We have stressed the idea to the producers on how they need to tell us how they will manage their feed lot.

Francis Thicke requested that David Petty send out his recommendations before the final rule.

*Motion carried to approve the NOIA with the change regarding soil borings.*

**APPROVED AS AMENDED**



**ADOPTED AND FILED EMERGENCY – CHAPTER 65 – OPEN FEEDLOT REGULATIONS**

Gene Tinker, Coordinator of the Animal Feeding Operations of the Environmental of Services Division presented the following item.

The Commission is requested to adopt rules to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the amendments is to create a separate division within Chapter 65 for regulations pertaining specifically to open feedlots. Also, Iowa Code 2003: Section 459.309 directs the department to develop rules establishing design standards for open feedlot basins. The proposed rules establish minimum design standards for manure and effluent control structures for open feedlots. Also included are construction and operation requirements for Alternative Technology Systems, as required in HF 805.

The department is requesting the Commission's permission to utilize a "double-barrel" approach, meaning that both emergency rule making and regular rule making processes will be implemented simultaneously.

Wayne Gieselman said that we have been working on these rules for a number of years. We are issuing permits based on what these proposed rules are. Under the statues and laws, these producers do not have legally adopted rules that their permits are based on.

Jeff Vonk encouraged the Commissioners to adopt Chapter 65 as an emergency rule.

David Petty would like to see this rule take place but prefer it take its normal course rather than getting blamed for taking the shotgun approach.

Jeff Vonk said that if we agree later on that December is a better date than November, we can amend to reflect that.

*Motion was made by Jerry Peckumn to approve emergency adoption of Chapter 65. Seconded by Henry Marquard. Roll call vote went as follows: Darrell Hanson – aye; Donna Buell – aye; Francis Thicke – aye; Henry Marquard – aye; David Petty – nay; Jerry Peckumn – aye; Mary Gail Scott – aye; Suzanne Morrow – aye. Motion carried.*

**APPROVED AS PRESENTED**

**REFERRALS TO THE ATTORNEY GENERAL**

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter

where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

### **DEAN GETTLER (EMERSON) – AFO**

The Department seeks enforcement of the terms of Administrative Order No. 2004-AFO-54 and collection of the administrative penalty of \$3,000.00, plus civil penalties as the Attorney General determines to be appropriate.

*Motion was made by Donna Buell to refer Dean Gettler to the Attorney General. Seconded by Jerry Peckumn. Motion carried unanimously.*

**REFERRED**

### **PROPOSED CONTESTED CASE DECISIONS - DAVID MEYER, HUNT BROTHERS, AND CHAD KOOIMA**

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

#### Steve and Chris Hunt (Hunt Brothers)

On April 7, 2004, the department issued Administrative Order No. 2004-AFO-17 to Steve and Chris Hunt (Hunt Brothers). The order required the Hunt Brothers to pay a penalty of \$1,500 for failure to submit a manure management plan in a timely manner. That action was appealed by the Hunt Brothers. A hearing on this matter was held on June 20, 2005.

A Proposed Decision was issued on July 8, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-17, including the assessment of an administrative penalty in the amount of \$1,500.

#### Chad Kooima

On June 17, 2004, the department issued Administrative Order No. 2004-AFO-56 to Chad Kooima. The order required Mr. Kooima to pay a penalty of \$1,500 for failure to submit a manure management plan in a timely manner. That action was appealed by Mr. Kooima. A hearing on this matter was held on June 27, 2005.

A Proposed Decision was issued on July 14, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-56 in all respects except that it reduced the civil penalty from \$1,500 to \$1,200.

David Meyer

On June 29, 2004, the department issued Administrative Order No. 2004-AFO-62 to David Meyer. The order required Mr. Meyer to pay a penalty of \$1,500 for failure to submit a manure management plan in a timely manner. That action was appealed by David Meyer. A hearing on this matter was held on June 27, 2005. Both parties presented evidence at the hearing.

A Proposed Decision was issued on July 8, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-62, including the assessment of an administrative penalty in the amount of \$1,500.

There have been no appeals of these Proposed Decisions. In the absence of an appeal the Commission may decide on its own motion to review these Proposed Decisions. If there is no review of these Proposed Decisions, they automatically become final decisions of the agency.

<b>NO ACTION TAKEN</b>
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**PROPOSED CONTESTED CASE DECISION - LELAND HEISDORFFER**

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

On October 15, 2004, the department issued Administrative Order Nos. 2004-SW-32, 2004-AQ-54, and 2004-WW-47 to Leland Heisdorffer for violations occurring at his property in Keokuk County. The order required Mr. Heisdorffer to cease the improper disposal of solid waste, stop the open burning of combustible materials, clean up the property and pay a penalty of \$10,000. That action was appealed by Leland Heisdorffer. A hearing on this matter was held on April 25, 2005. On May 24, 2005 the Administrative Law Judge issued a Proposed Decision that affirmed the order in all respects except that the department's civil penalty was reduced from \$10,000 to \$5,000.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of the Proposed Decision, it automatically becomes the final decision of the agency.

Mr. Heisdorffer is appealing the Proposed Decision issued on May 24, 2005 by the Administrative Law Judge. A briefing schedule has been established for the parties pursuant to the procedural rules found at 561 Iowa Administrative Code 7.15(5). Final argument is scheduled for the September 2005 Commission meeting. Any briefs that are filed will be provided to the Commission before the September meeting date.

<b>NO ACTION TAKEN</b>
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Francis Thicke, Donna Buell, Mary Gail Scott, and Henry Marquard requested a hard copy of the information regarding the Mr. Staub case.

## MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
August, 2005**

Proposal	Notice to Comm	Notice Publish	Arc #	Rules Review Comm	Hearing	Coment Period	Final Summary to Comm	Rules Adopted	Rules Published	ARC #	Rules Review	Rule Effective
1. Ch. 20 – Addition of Definitions for Biodiesel Fuel, #1 Fuel oil and #2 Fuel Oil	4/18/05	5/11/05	4159B	6/14/05	6/14/05	6/20/05	7/18/05	7/18/05	*8/17/05		*9/13/05	*9/21/05
2. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	2/16/04	4005B	3/04/05	3/18, 23/05	3/25/05	*9/19/05	*9/19/05	*10/12/05		*11/08/05	*11/16/05
3. Ch. 22 – Air Construction Permitting Exemptions	4/18/05	5/11/05	4160B	6/14/05	6/13, 16/05	6/24/05	8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
4. Ch. 23 – Clarification Regarding Ordinary Travel on Unpaved Public Roads	4/18/05	5/11/05	4158B	6/14/05	6/15/05	6/17/05	8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
5. Ch. 23 – NESHAP Update	7/18/05	*8/17/05		*9/13/05	*9/16/05	*9/16/05	*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
6. Ch. 61 – WQ Standards: Warm Weather Stream Use Designation Assessment	8/15/05	*9/14/05		*10/11/05			*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06

<b>Protocol</b>												
<b>7. Ch. 61 – WQ Standards: Protected Flow, General Use Classification Changes and the Rebuttable Presumption Approach</b>	8/15/05	*9/14/05		*10/11/05			*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
<b>8. Ch. 65 – Open Feedlots – Engineering Standards</b>	11/15/04	12/08/04	3873B	1/04/05	1/05/05 1/07/05	2/21/05	<b>TERMINATION</b> 6/20/05	6/20/05	7/20/05	4354B	*8/09/05	*8/24/04
<b>9. Ch. 65 – Open Feedlot Regulations</b>	8/15/05	*9/14/05		*10/11/05			*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
<b>10. Ch. 65 – Open Feedlot Regulations</b>							8/15//05	*8/15/05	*9/14/05		*10/11/05	*8/24/05
<b>11. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs</b>	4/18/05	5/11/05	4164B	6/14/05	5/31/05 6/1, 2/05	6/10/05	*9/19/05	*9/19/05	*10/12/05		*11/08/05	*11/16/05
<b>12. Ch. 136 – Financial Responsibility Requirements for USTs</b>	6/20/05	7/20/05	4353B	8/09/05	8/09/05	8/12/05	*9/19/05	*9/19/05	*10/12/05		*11/08/05	*11/16/05

### Monthly Variance Report

August 2005

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Midway Water & Light Co., Inc.	Water Supply		Hydropneumatic tanks	Approved	07/13/05
2	Nestle Purina PetCare Company	Air Quality		Alter emission point characteristics	Approved	07/15/05
3	Cargill Meat Solutions @ Ottumwa	Wastewater	HDR Engineering	Lined and covered anaerobic lagoon w/ embankment slopes	Approved	07/18/05
4	County Road Bridge	Flood Plain	Calhoun-Burns & Associates	Freeboard criterion	Approved	07/13/05
5	Green Brier Subdivision	Water Supply		Hydropneumatic tanks	Approved	07/05/05
6	City of Asbury	Wastewater	MSA/Dubuque	Opening for mechanical screen	Approved	06/29/05

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions**

During the period July 1, 2005, through July 31, 2005, 56 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	58 (44)	6 (7)	36 (25)	16 (12)	20 (9)	28 (32)	1 (2)	1 (0)	1 (1)	7 (0)
February	46 (41)	4 (5)	25 (20)	17 (16)	12 (13)	24 (24)	4 (1)	2 (1)	1 (0)	3 (2)
March	70 (71)	11 (9)	43 (38)	16 (24)	25 (21)	33 (47)	1 (0)	1 (1)	3 (0)	7 (2)
April	102 (99)	35 (44)	46 (42)	21 (13)	32 (30)	51 (63)	2 (0)	3 (3)	3 (0)	11 (3)
May	60 (66)	20 (17)	29 (40)	11 (9)	23 (18)	29 (39)	1 (2)	3 (2)	0 (0)	4 (5)
June	88 (77)	12 (18)	56 (43)	20 (16)	22 (26)	52 (42)	2 (1)	6 (0)	1 (1)	5 (7)
July	56 (76)	6 (19)	33 (44)	17 (12)	18 (12)	24 (56)	2 (0)	4 (0)	0 (4)	8 (4)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>658 (668)</b>	<b>118 (149)</b>	<b>364 (368)</b>	<b>175 (150)</b>	<b>209 (191)</b>	<b>331 (410)</b>	<b>19 (9)</b>	<b>26 (9)</b>	<b>9 (11)</b>	<b>64 (38)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

\*Other includes dumping, theft, vandalism and unknown

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
11	5	5	5	16	14

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases**

During the period July 1, 2005, through July 31, 2005, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)

## Environmental Protection Commission Minutes

August 2005

February	1 (1)	0 (0)	0 (0)	0 (1)	1 (0)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)
March	1 (5)	0 (1)	1 (0)	0 (0)	0 (3)	0 (4)	1 (0)	0 (0)	0 (0)	1 (1)
April	6 (10)	0 (0)	2 (4)	1 (4)	3 (2)	5 (7)	1 (3)	0 (0)	0 (0)	0 (5)
May	3 (2)	1 (0)	1 (1)	0 (0)	1 (1)	2 (2)	1 (0)	0 (0)	0 (0)	0 (0)
June	2 (2)	0 (0)	1 (1)	0 (0)	1 (1)	0 (2)	2 (0)	0 (0)	0 (0)	0 (1)
July	2 (2)	0 (0)	2 (2)	0 (0)	0 (0)	2 (1)	0 (1)	0 (0)	0 (0)	1 (2)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	41 (40)	3 (1)	19 (15)	8 (9)	0 (0)	30 (32)	9 (4)	1 (1)	1 (0)	5 (10)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	1	0	1	0	0

**DATE:** August 1, 2005**TO:** EPC**FROM:** Ed Tormey**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
William Mauw; Mauw's Egg Ranch, Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	7/06/05
Dr. Ed Cook, Cherokee Co. (3)	Air Quality	Open Burning	Consent Amendment \$2,000	7/11/05
Quad County Corn Processors Cooperative, Galva (3)	Air Quality	Construction Permit	Without Consent Order \$10,000	7/15/05
Quad County Corn Processors Cooperative, Galva (3)	Air Quality	Operation Without Permit	Consent Order \$10,000	7/15/05
Jim Dos, Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Referred to AG	7/18/05

August 2005

Environmental Protection Commission Minutes

Travis Aldag, Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Referred to AG	7/18/05
David Kass, Plymouth Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Referred to AG	7/18/05
William Boyer; Boyer's Sand and Rock, Inc., Hawarden (3)	Underground Tank	UST Closure	Referred to AG	7/18/05
SK Food & Gas, Inc., Davenport (6)	Underground Tank	UST System Deficiencies	Referred to AG	7/18/05
SK Food & Gas, Inc., Davenport (6)	Underground Tank	Site Check	Referred to AG	7/18/05
Exira, City of (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$5,000	7/20/05
Walters Investments International, Inc., Des Moines (5)	Wastewater	Stormwater – Operation Without Permit	Consent Order \$10,000	7/26/05

**IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU**

**DATE:** August 1, 2005

**TO:** Environmental Protection Commission

**FROM:** Ed Tormey

**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

AMOUNT	DUE DATE	NAME/LOCATION	PROGRAM		
		Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
		R & R Ranch (Osceola)	WW	10,000	8-30-00
		Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
		Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
		Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
		Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
		Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
		James Harter (Fairfield)	WW	1,800	8-01-01
		# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
		# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
		Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02



## Environmental Protection Commission Minutes

August 2005

Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
#*James Boller (Kalona)	AFO	4,750	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	1,000	9-30-05
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04

Americana Bowl (Ft. Madison)	WS	500	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Vernon Kinsinger (Washington Co)	SW	8,130	5-11-05
Garlen E. Perry; Paul and Percilla Lattin (Shenandoah)	AQ/SW	3,000	5-15-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	4,450	6-06-05
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,150	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
* Dennis Gailey (Moorland)	AQ/SW	5,300	6-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carroll Co.)	AFO	750	6-21-05
# Dennis Kuehl (Cass Co.)	AFO	3,000	6-24-05
O R Entertainment d/b/a Ringo's (Mason City)	WS	1,025	6-25-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
* Country Terrace Mobile Home Park (Ames)	WW	3,010	7-01-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	2,300	7-19-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
#*Miles McDougall (Plymouth Co.)	AFO	500	8-04-05
Quad County Corn Processors Cooperative (Galva)	AQ	10,000	8-21-05
Quad County Corn Processors Cooperative (Galva)	AQ	10,000	8-21-05
* Crest Country Inn (Iowa Co.) No. 2	WW	2,000	8-15-05
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000	9-11-05
# Scott Lenz (Carroll Co.)	AFO	8,000	9-07-05
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000	9-21-05
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
# Rick Renken (Plymouth Co.)	AFO	750	-----
Exira, City of	AQ/SW	5,000	-----
<b>TOTAL</b>		<b>453,361</b>	

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96

## Environmental Protection Commission Minutes

August 2005

Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03

Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer	AQ	3,100	3-30-03
(Ft. Madison)			
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Richard Juhl (Cass Co.)	AQ/SW	4,700	
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
# Jim Dos (Black Hawk Co.)	AFO	3,000	5-04-05
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300	
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000	
<b>TOTAL</b>		<b>256,930</b>	

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Dennis Malone & Joanne Malone (Morning Sun)	UT	600
	Dallas County Care Facility (Adel)	WW	2,500
	Richard Sprague (Tripoli)	AQ/SW	5,000
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
	Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
	LeMars, City of	WW	10,000
	Dallas County Care Facility (Adel)	WW	5,000
	Robert Ward (Lee Co.)	WW	1,450
	Partners Four Investments, Inc. (Marble Rock)	UT	5,280
	William Habhab (Fort Dodge)	SW	1,500
	Kevin Wallerich (Keota)	SW/WW	500
#	Doug Wedemeyer (Adair Co.)	AFO	2,500
	Mt. Pleasant, City of	WW	500
	Charlotte Caves (Oskaloosa)	HC	10,000
	Clifton Clark (Moorhead)	AQ/SW	1,500
#	Kenneth Dahlhauser (Whittemore)	AFO	2,500
	Stanley Siems (Hardin Co.)	AQ/SW	7,500
	Schell Family Partnership (Boone Co.)	HC/SW	5,000
	River City Development; Russell Hardy (Mason City)	UT	2,480
	Chelsea, City of	WW	3,000
#	Glen Samuelson (Adams Co.)	AFO	1,000
#	Merrell Butler (Adams Co.)	AFO	1,000
#	Doug Osweiler (South English)	AFO	5,000
#	Ray Slach (Cedar Co.)	AFO	3,000
#	Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
#	Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
#	New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000

## Environmental Protection Commission Minutes

August 2005

Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	5,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000

# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Chad Kooima (Sioux Co.)	AFO	1,500
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000

## Environmental Protection Commission Minutes

August 2005

Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Fran Oil Co. (Council Bluffs)	UT	7,000
Fran Oil Co. (Council Bluffs)	UT	3,000
Iowa Oil Co.; HRV Petro; Two Holdings (Dubuque)	UT	6,300
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Stewart Construction Ltd. (Lyon Co.)	AQ/SW	2,500
William Butterfield (Mason City)	AQ/SW	3,000
Dirk Graves (Glenwood)	AQ	1,000
Roger Holland (Farmington)	WW	7,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Atlantic, City of	AQ/SW	10,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
<b>TOTAL</b>		<b>744,584</b>

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM	
#	Allen Hoeper (Bremer Co.)	AFO	1,500
*	Country Terrace Mobile Home Park (Ames)	WW	110
*	Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	500
	Crest Country Inn (Iowa Co.) No. 1	WW	1,000
	Martin Fender (Mills Co.)	AQ/SW	1,000
#	*Miles McDougall (Plymouth Co.)	AFO	125
	American Shell Co.; James L. Peach (Fairport)	UT	3,000
	Dr. Ed Cook (Cherokee Co.)	AQ	2,000
	H & H Trailer Co. (Braddyville)	AQ	1,500
	James Karthan (Clarke Co.)	AQ	1,000
	Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
#	*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
	Walters Investments International, Inc. (Des Moines)	WW	10,000
	Acme Fuel & Material Co. (Muscatine) (Also \$5,250 SEP)	AQ	3,250 6-18-05
#	Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
*	Racer's Bar and Grill (Algona) PAID IN FULL	WS	300 6-15-05
<b>TOTAL</b>			<b>30,565</b>

## Attorney General Referrals

Aldag, Travis Ida Co. (3)	<b>NEW</b>	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Boyer, William Boyer's Sand & Rock Hawarden <b>NEW</b>	(3)	Underground Tank	UST Closure	Order/Penalty	Referred	7/18/05
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)		Drinking Water	Monitoring/Reporting- Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 7/19/05
Carlson, Emer Henry Co. (6)		Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Second Motion for Judgment Hearing Date Order (\$6,500/Admin.)	9/20/04 3/01/05 4/01/05 4/12/05 5/23/05 5/23/05
CDI, LLC Forest City (2)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Crest Country Inn		Wastewater	Monitoring/Reporting	Order/Penalty	Referred	2/21/05
Dos, Jim Black Hawk Co. (1) <b>NEW</b>		Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Ellis, Trent Calhoun Co. (3)		Solid Waste Air Quality Animal Feeding Operation	Illegal Disposal; Open Burning; Prohibited Discharge – Confinement	Order/Penalty	Referred Petition Filed Answer	8/16/04 2/25/05 3/21/05
Ginger, Roger Everly (3)		Underground Tank	UST Closure	Order/Penalty	Referred	5/15/05
Grain Processing Corp. Muscatine (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Handlos, Lawrence Audubon Co. (4)		Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 8/16/05



Hoffman, Matt Plymouth Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred Petition Filed	8/16/04 2/23/05
Juhl, Richard Cass Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Kass, David Plymouth Co. (3) <b>NEW</b>	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Kelly, Pat d/b/a Kelley Construction Woodbine (4)	Underground Tank	UST Closure	Order/Penalty	Referred	5/16/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05
Mobile World LC Camanche (6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed	8/16/04 4/08/05
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for Summary Judgment Trial Date State's Brief in Resistance to Motion for Partial Summary Judgment Hearing on Motion for Partial	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05 2/27/06 5/16/05 6/02/05 6/22/05

Summary Judgment Ruling Granting Partial Summary Judgment									
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations		Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04			
Robertson, Ryan Jefferson Co. (6)	Wastewater	Stormwater Violations	Permit	Referred Attorney General	to Referred	4/27/05			
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order		Referred	5/16/05			
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order		Referred	4/21/03			
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense		Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05			
Schelling, Carl Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty		Referred Petition Filed	10/18/04 1/27/05			
Schoenberr, R. B. d/b/a Long Branch Tavern	Drinking				Referred Court Order	6/20/97 12/09/98			

# Environmental Protection Commission Minutes

August 2005

Monmouth (1)	Water	Permit Renewal	Orders/Penalties	Re-Referred Contempt Hearing	11/21/02
				Arrest Warrant Issued	4/01/05
				Contempt/Temporary Injunction Hearing	4/01/05
				Temporary Injunction Granted	5/03/05
				Contempt Hearing Date	7/06/05
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	10/18/04
				Answer Filed	11/04/04
SK Food & Fuel Davenport (6) 05-UT-02; 05-UT-03 <b>NEW</b>	Underground Tank	UST Deficiencies; Check	System Site	Order/Penalty	Referred
					7/18/05
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	12/06/04
				State Motion to Dismiss	1/10/05
				Hearing	3/07/05
				Trial Date	4/25/06
				Ruling Dismissing	5/17/05
				Claims	Damage

## Contested Case

12/12/95	Vernon Kinsinger	6	Order/Penalty	AQ/SW	Tack	Hearing set for 8/22/05.
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. City will submit SEP proposal in June, 2005.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty. Refer to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	<b>Hearing set for 8/09/05.</b>
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit

						issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKN monitoring requirements.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another

						settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	AQ/SW	Tack	All tires have been removed. Follow-up inspection to be scheduled.
10/02/02	Sioux City, City of	3	<b>Permit Conditions</b>	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/HC	Tack	Investigating Brownfields opportunities.
11/27/02	River City Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
<b>1/29/03</b>	<b>A.R. Wendler; W.B. Contract Swine Production</b>	<b>3</b>	Order/Penalty	<b>AFO</b>	<b>Tack</b>	<b>Settled. Penalty rescinded. Case closed.</b>
2/10/03	Doug Osweiler	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	<b>Order/Penalty</b>	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	<b>Variance Denial</b>	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	<b>Order/Penalty</b>	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 5/05 – Status report requested from Dept. engineer.
9/02/03	Kent Kiburz	2	<b>Order/Penalty</b>	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	<b>Order/Penalty</b>	UT	Wornson	<b>Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch. Will dismiss Easter Enterprises, Inc. as a party.</b>
9/05/03	Strawberry Point, City of	1	<b>Order/Penalty</b>	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co.	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved. SEP

	UST#8606588, Jefferson					proposed.
10/08/03	TEGH, Inc. (03-UT-15)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	<b>Order/Penalty</b>	AQ/SW	Tack	<b>Pre-hearing conference set for 8/01/05.</b>
11/19/03	Ron Fisher Furniture	1	<b>Amended Order</b>	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	<b>Order/Penalty</b>	AQ/SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	<b>Order/Penalty</b>	WW	Preziosi*	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	<b>Order/Penalty</b>	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	<b>Order/Penalty</b>	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		<b>Order/Penalty</b>	UT	Wornson	<b>Sent letter with settlement deadline 2/14/05. Tier 2 completed. Settlement finalized. 7/25/05 - Penalty paid. Motion to dismiss filed 7/25/05.</b>
3/01/04	Shenandoah, City of	4	<b>Order/Penalty</b>	AQ/SW	Tack	Settled. Settlement agreement sent 6/24/05.
3/04/04	Tim Trostel	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	<b>Order/Penalty</b>	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	<b>Order/Penalty</b>	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/24/04	Lake Place	2	<b>Order/Penalty</b>	WS	Book	Unable to locate owner. Order will be rescinded.
4/02/04	LeMars, City of	3	<b>Order/Penalty</b>	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	<b>Permit Conditions</b>	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	<b>Order/Penalty</b>	WS	Clark	Negotiating before filing.
4/19/04	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	<b>Order/Penalty</b>	AQ	Preziosi	<b>Offer letter sent 7/26/05.</b>
4/26/04	Miles McDougal	3	<b>Order/Penalty</b>	AFO	Book	ALJ confirmed order with full penalty. Penalty plan in place and payments are on schedule.
5/04/04	West Central Cooperative	4	<b>Permit Denial</b>	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibelink	3	<b>Order/Penalty</b>	AFO	Clark	5/06/08 - Sent to DIA to be set

## Environmental Protection Commission Minutes

August 2005

						for hearing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	<b>Order/Penalty</b>	AFO	Clark	No petition filed. DNR filed for default. Awaiting decision.
5/11/04	Williams Brothers Garage	4	<b>Order/Penalty</b>	WW/SW/AQ	Tack	6/1/05 – New property owner is conducting the clean-up.
5/12/04	Ag Processing, Inc.	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	<b>Order/Penalty</b>	AFO	Book	<b>Order and penalty affirmed by ALJ.</b>
5/13/04	Allen Hoeper	1	<b>Order/Penalty</b>	AFO	Clark	No petition filed. DNR filed for default. Awaiting decision.
5/18/04	Alton, City of	3	<b>Order/Penalty</b>	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	<b>Order/Penalty</b>	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	<b>Order/Penalty</b>	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	<b>Order/Penalty</b>	WS	Book	Settled. Payment plan on schedule.
6/09/04	Kevin Miller	1	<b>Operation Permit</b>	WS	Hansen	6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance. 3/17/05 – FO 1 reports that WS does not want to pursue appeal and they are complying with permit. WS to furnish letter dismissing appeal.
6/11/04	University of Iowa	6	<b>NPDES Permit</b>	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	<b>Order/Penalty</b>	WS	Hansen	<b>7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and letter from WS's engineer submitted. Dept. engineer determined that letter did not meet Dept. requirements for an engineering report. Hearing re-set for 9/16/05. Settlement meeting set for 7/27/05.</b>
6/18/04	CDI – Charles City	2	<b>Title V Permit Determination</b>	AQ	Preziosi	Negotiating before filing.
<b>6/18/04</b>	<b>Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.</b>	<b>2</b>	<b>Order/Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. 7/14/05 – Penalty paid. Case closed.</b>
6/18/04	Phillip Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	<b>Order/Penalty</b>	AFO	Clark	Sent to DIA to be set for hearing.
6/24/04	Jansma Cattle Co., Inc.	3	<b>Order/Penalty</b>	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	<b>Order/Penalty</b>	AFO	Clark	Sent to DIA to be set for hearing.
6/25/04	Steve Renze	3	<b>Order/Penalty</b>	AFO	Clark	Sent to DIA to be set for hearing.
6/28/04	Michael Veenstra; Alan Veenstra	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	<b>Order/Penalty</b>	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	<b>Order/Penalty</b>	AQ/SW/WW	Tack	Site visit to be scheduled.
6/29/04	Imperial Properties	5	<b>Order/Penalty</b>	UT	Wornson	<b>7/26/05 – Awaiting signed settlement agreement.</b>
7/15/04	Dean and Sharon Gettler	4	<b>Order/Penalty</b>	AFO	Book	Default entered.
<b>7/16/04</b>	<b>Ed Cook</b>	<b>3</b>	<b>Order/Penalty</b>	<b>AQ</b>	<b>Book</b>	<b>Consent amendment issued. Penalty payment received 7/19/05. Case closed.</b>

7/20/04	Chad Kooima	3	<b>Order/Penalty</b>	AFO	Book	<b>Hearing held 6/27/05. Order affirmed. Penalty reduced to \$1,200.</b>
7/26/04	B & B Sandhill Swine	1	<b>Order/Penalty</b>	AFO	Clark	Sent to DIA to be set for hearing.
7/26/04	Randy Gergen	3	<b>Order/Penalty</b>	AFO	Clark	<b>Hearing set for 8/29/05.</b>
7/27/04	John Hansen Farms	3	<b>Order/Penalty</b>	AFO	Clark	<b>Sent to DIA 5/06/05.</b>
7/27/04	Steve Van Utrecht	5	<b>Order/Penalty</b>	AFO	Clark	<b>Sent to DIA 5/06/05.</b>
8/02/04	James Vermeer	3	<b>Order/Penalty</b>	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	Dennis Rowenhorst	3	<b>Order/Penalty</b>	AFO	Book	To be sent to DIA to be set for hearing.
8/06/04	Eldora, City of	1	<b>Permit Conditions</b>	WW	Hansen	<b>WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.</b>
8/17/04	Harold Dekkers	3	<b>Order/Penalty</b>	AFO	Book	Hearing set for 8/29/05.
8/19/04	F.J. Krob & Co.	1	<b>Order/Penalty</b>	HC/WW	Tack*	Negotiating before filing.
8/26/04	Jim Schmitz	3	<b>Order/Penalty</b>	AFO	Clark	<b>Sent to DIA 5/06/05.</b>
8/30/04	Don and Bill Adam, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	<b>Sent to DIA 5/06/05. 7/28/05 – Penalty payment received.</b>
9/01/04	Iowa State University	5	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	<b>Order/Penalty</b>	AFO	Book	No petition was filed. Dept. filed for default. Default granted.
9/10/04	Tschiggfrie Excavating Co.	1	<b>Order/Penalty</b>	WW	Tack	Follow-up inspection requested 5/19/05.
9/14/04	JK Farms, Inc.	3	<b>Order/Penalty</b>	AFO	Clark	Sent to DIA to be set for hearing.
9/14/04	Bill Schrock	6	<b>Order/Penalty</b>	WW/SW	Tack	Negotiating before filing.
9/20/04	David Meyer	6	<b>Order/Penalty</b>	AFO	Book	<b>Hearing held 6/27/05. Order and penalty affirmed.</b>
9/29/04	EnviroBate	4	<b>Order/Penalty</b>	AQ	Book	Meeting schedule for 5/31/05. Meeting to be rescheduled at the request of EnviroBate.
10/04/04	Rose M. Bartles	4	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	<b>Order/Penalty</b>	AFO	Clark	5/06/06 – Sent to DIA.
10/08/04	Goose Lake, City of	6	<b>Order/Penalty</b>	WS	Hansen	<b>To be set for hearing.</b>
10/12/04	Gary Hart	6	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	<b>Permit Conditions</b>	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	<b>Order/Penalty</b>	AFO	Book	Hearing set for 9/30/05.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	<b>Order/Penalty</b>	AQ/SW	Book	Consent amendment final with Lattin. Continuing to work with Perry.
10/19/04	Cedar Rapids, City of	1	<b>Order/Penalty</b>	WW	Hansen*	<b>To be set for hearing.</b>
10/21/04	Eugene Kramer	1	<b>Permit Denial</b>	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	<b>Order/Penalty</b>	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	S & V Fence & Deck Co.	6	<b>Order/Penalty</b>	AQ	Book	Settled. Awaiting signed consent amendment.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	<b>Order/Penalty</b>	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	<b>Order/Penalty</b>	AFO	Book	Hearing set for 9/19/05.
11/03/04	Patrick M. Pinney Contractors	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
11/03/04	Greg Vanden Bosch; G & T Eggs	3	<b>Order/Penalty</b>	AFO	Book	Hearing set for 8/30/05.
11/03/04	Leland Heisdorffer	6	<b>Order/Penalty</b>	AQ/SW/ WW	Tack	ALJ decision issued 5/24/05. ALJ decision appealed to EPC.
11/05/04	Darrel Behrens; Kelly Behrens	3	<b>Order/Penalty</b>	AFO	Book	Hearing set for 9/19/05.
11/09/04	Donald Hopp	4	<b>Order/Penalty</b>	SW	Tack	Clean-up is underway.
11/10/04	Ted T. Smith	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
11/15/04	Acme Fuel & Materials	6	<b>Order/Penalty</b>	AQ	Book	Settled. Consent amendment in place, awaiting penalty payment.
11/19/04	Steve Bouchard	3	<b>Order/Penalty</b>	AFO	Book	Hearing set for 9/19/05.



11/30/04	James Brown	3	<b>Order/Penalty</b>	AQ	Book	Waiting to hear from parties on settlement offer.
12/06/04	Keith Kruse	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	<b>Order/Penalty</b>	AFO	Book	<b>Hearing set for 11/21/05.</b>
<b>12/06/04</b>	<b>O-C Trailers, Inc.</b>	<b>3</b>	Order/Penalty	AQ/SW	Preziosi	<b>Settled. 6/22/05 – Penalty payment received. Case closed.</b>
12/07/04	Crestview MHP	5	<b>Order/Penalty</b>	WW	Hansen	<b>Hearing reset for 7/13/05. Settled. Consent order drafted.</b>
12/10/04	IPSCO, Inc.	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	<b>Order/Penalty</b>	AFO	Book	Hearing set for 9/19/05.
1/03/05	Paul Rehder	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/04/05	Matt Gehling	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/05/05	S.J. Louis Construction	5	<b>Order/Penalty</b>	WW	Hansen	<b>To be set for hearing.</b>
1/06/05	E & N Farms	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/07/05	Wayne A. Staab	3	<b>Order/Penalty</b>	AQ	Preziosi	<b>Hearing held 5/31/05. Both parties appealed to EPC. Briefing schedule set.</b>
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	<b>Order/Penalty</b>	AQ	Preziosi	<b>Hearing set for 10/7/05.</b>
1/18/05	MKKS, LC (5 sites)	5	<b>Order/Penalty</b>	UT	Wornson	Settlement meeting held 3/07/05. Follow-up regarding non-penalty issues and penalty settlement.
1/19/05	Consolidated Energy	4	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
1/20/05	Pleasant Hill, City of	5	<b>Order/Penalty</b>	WW	Hansen	<b>4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.</b>
1/20/05	Monty Branstad	2	<b>Order/Penalty</b>	AQ/SW	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
1/25/05	Jim Hawk Truck Trailers	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
<b>1/31/05</b>	<b>James Karthan</b>	<b>5</b>	Order/Penalty	<b>AQ</b>	<b>Preziosi</b>	<b>7/22/05 - Penalty payment received. Case closed.</b>
2/03/05	Olsen Fuel Supply, Inc.	4	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
2/04/05	Honey Creek Campground	4	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
2/08/05	Crestview Mobile Home Park	5	<b>Permit Conditions</b>	WS	Hansen	<b>Settled. Amended permit drafted.</b>
2/14/05	Rick Halma	3	<b>Order/Penalty</b>	AFO	Book	<b>Hearing set for 11/18/05.</b>
2/16/05	Rick Nikkel	5	<b>Order/Penalty</b>	AFO	Book	<b>Hearing set for 11/18/05.</b>
2/17/05	CDI, LLC	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
2/24/05	Mt. Joy Mobile Home Park	1	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/08/05	Randy Griffin	5	<b>Order/Penalty</b>	AQ/SW	Tack	Follow-up inspection requested 5/19/05.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
3/23/05	IPSCO (Muscatine)	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
3/23/05	Patrick Jones	3	<b>Order/Penalty</b>	AFO	Book	<b>Hearing set for 11/21/05.</b>
3/25/05	Fran Oil Co. (2 AOs)	4	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
3/25/05	Genesis Two Holdings	1	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
3/25/05	Hoover Land Corp.	2	<b>Order/Penalty</b>	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
3/31/05	Stewart Construction, Inc.	3	<b>Order/Penalty</b>	AQ/SW	Tack	Clean-up completed.
3/31/05	William Butterfield	2	<b>Order/Penalty</b>	AQ/SW	Preziosi	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
4/05/05	Dirk D. Graves	4	<b>Order/Penalty</b>	AQ	Tack	Negotiating before filing.
4/13/05	H & K Pony Express; Roger	6	<b>Order/Penalty</b>	WW	Wornson	Negotiating before filing.

	Holland					
4/15/05	Reginald Parcel	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/12/05	Atlantic, City of	4	Order/Penalty	AQ/SW	Preziosi	Working on consent order with appellant.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/25/04	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period July 1, 2005 through July 31, 2005, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	0	0	0	3	1

**INFORMATIONAL ONLY**

**GENERAL DISCUSSION**

Henry Maquard requested that the Operator's Exam be added onto next month's agenda.

**NEXT MEETING DATES**

September 19, 2005

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 6:30 p.m., Monday, August 15, 2005.

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Jeffrey R. Vonk, Director

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Darrell Hanson, Chair

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Lisa Davis Cook, Secretary

**INDEX****A**

Adjournment, 55  
 Adopted and Filed Emergency  
     Chapter 65  
         Open Feedlot Regulations, 29  
 Adoption of Agenda, 1  
 Anderson, Pat, 10  
 Appointment  
     Morgan Finisher Farm Hearing – 1:30,  
     15  
 Approval of Minutes, 1  
 Askew, Edward, 6

**B**

Borich, Tony, 7  
 Bosold, Patrick, 9

**C**

Call to Order, 1  
 Chapter 22  
     Final Rule  
         Controlling Pollution, 13  
 Chapter 32  
     Final Rule  
         Ordinary Travel on Unpaved Public  
         Roads, 12  
 Chapter 61 – Water Quality Standards (Use  
     Designation Changes and Warm Water  
     Protocol)  
     Notice of Intended Action, 26  
 Chapter 61 Water Quality Standards  
     (Protected Flow, General Use  
     Classification Changes and the  
     “Rebuttable Presumption” Approach)  
     Notice of Intended action, 24  
 Chapter 65  
     Open Feedlot Regulations  
         Adopted and Filed Emergency  
         Adopted and Filed Emergency, 30  
         Notice of Intended Action, 28

Chapter 65 – Technical Corrections to Table  
     1- Major Water Sources – Rivers and  
     Streams  
         Proposed Rule, 27  
 Clear Channel Radio  
     Smoking Tailpipe Radio Advertising  
         Contract, 4  
 Commissioners Absent, 1  
 Commissioners Present, 1  
 Contract  
     Clear Channel Radio  
         Smoking Tailpipe Radio  
         Advertising, 4  
 Iowa Department of Economic  
     Development  
         Small Business Environmental  
         Assistance Liaison, 14  
 Iowa State University  
     Phosphorous Flux Protocol, 21  
 University Hygienic Laboratory (UHL)  
     Stream Biological Assessment, 22  
 University of Northern Iowa’s (UNI)  
     Small Business Assistance Program,  
     20  
 Couser, Bill, 7

**D**

Deahr, Mike, 11  
 Director's Report, 1

**E**

Easter, John, 11  
 Estle-Tedrow, Chris, 9  
 Ettinger, Albert, 11

**F**

Final Rule  
     Chapter 22  
         Controlling Pollution, 13  
     Chapter 32  
         Ordinary Travel on Unpaved Public  
         Roads, 11

**G**

General Discussion, 55  
 Gettler, Dean (Emerson)  
     AFO, 31  
 Gibbs, Lewis, 7  
 Grant Agreement  
     US Fish & Wildlife Service  
     Wetland Mapping, 23

**H**

Hare, Larry, 8  
 Haylock, Bob, 11  
 Heathcote, Susan, 7  
 Heisdorffer, LeLand  
     Proposed Contested Case Decision, 32

**I**

Iowa Department of Economic Development  
     Contract  
         Small Business Environmental  
         Assistance Liaison, 15  
 Iowa State University  
     Contract  
         Phosphorous Flux Protocol, 21

**J**

Johnson, Kathleen, 10

**K**

Kiellcopf, Ron, 10

**M**

Members Absent, 1  
 Monthly Reports, 33  
 Morgan Finisher Farm Hearing – 1  
     30  
     Appointment, 15

**N**

Next Meeting Dates, 55  
 Notice of Intended action  
     Chapter 61 Water Quality Standards  
     (Protected Flow, General Use  
     Classification Changes and the

“Rebuttable Presumption” Approach),  
 24

Notice of Intended Action

Chapter 61 – Water Quality Standards  
 (Use Designation Changes and Warm  
 Water Protocol), 26

Chapter 65

Open Feedlot Regulations, 28

**O**

Open Feedlot Regulations

Notice of Intended Action

Chapter 65, 28

Orr, Hanna, 11

**P**

Phosphorous Flux Protocol

Iowa State University

Contract, 21

Proposed Contested Case Decision

Heisdorffer, LeLand, 32

Proposed Contested Case Decisions

Meyer, David

Hunt Brothers

Kooima, Chad, 31

Proposed Rule

Chapter 65 – Technical Corrections to  
 Table 1- Major Water Sources – Rivers  
 and Streams, 27

Public Participation, 6

**R**

Referrals to the Attorney General, 30

Rysdam, Eric, 10

**S**

Smoking Tailpipe Radio Advertising

Contract

Clear Channel Radio, 4

Solid Waste Alternatives Program –

Recommendations, 3

Stream Biological Assessment

Contract

University Hygienic Laboratory  
 (UHL), 22

**T**

Taylor, Wally, 9  
Tews, Stephen, 10

**U**

University Hygienic Laboratory (UHL)  
Stream Biological Assessment  
Contract, 22  
University of Northern Iowa's (UNI)  
Small Business Assistance Program  
Contract, 20  
US Fish & Wildlife Service  
Wetland Mapping  
Grant Agreement, 23

**V**

Veysey, Steve, 8

**W**

Wentzien, Mike, 9  
Wetland Mapping  
Grant Agreement  
US Fish & Wildlife Service, 23